

An aerial photograph of a rural landscape. The image shows a mix of agricultural fields, some with distinct patterns, and a small town or village with a grid-like street layout. A road runs diagonally across the middle of the image. The overall tone is grayscale.

# Allera

**PROJECT: Forbesview Pty Ltd - School Road,  
Forbes**

## Contents

EXECUTIVE SUMMARY .....	5
1.0 INTRODUCTION.....	7
2.0 THE SITE.....	8
2.1 SITE LOCATION & EXISTING SITE CHARACTERISTICS .....	8
2.2 SITE CONTEXT .....	10
2.3 LAND OWNERSHIP.....	11
2.4 SUPPORTING DOCUMENTATION .....	11
3.0 PLANNING FRAMEWORK .....	13
3.1 STRATEGIC CONTEXT .....	13
3.1.1 HOUSING 2041.....	13
3.1.2 REGIONAL HOUSING TASKFORCE .....	14
3.1.3 CENTRAL WEST AND ORANA REGIONAL PLAN 2041.....	14
3.1.4 COMMUNITY STRATEGIC PLAN 2018-2028.....	15
3.1.5 LOCAL STRATEGIC PLANNING STATEMENT 2040.....	16
3.1.6 FORBES HOUSING STRATEGY 2021-2041 .....	16
3.2 STATUTORY FRAMEWORK .....	18
3.2.1 FORBES LOCAL ENVIRONMENTAL PLAN 2013 .....	18
3.2.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 .....	32
3.2.3 BIODIVERSITY CONSERVATION ACT 2016.....	32
3.2.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021.....	33
4.0 PLANNING PROPOSAL .....	34

<u>PART 1</u>	<u>- OBJECTIVES OR INTENDED OUTCOMES .....</u>	<u>39</u>
<u>PART 2</u>	<u>- EXPLANATION OF THE PROVISIONS.....</u>	<u>40</u>
<u>PART 3</u>	<u>- JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT .....</u>	<u>45</u>
<u>PART 4</u>	<u>- MAPS .....</u>	<u>54</u>
<u>PART 5</u>	<u>- COMMUNITY CONSULTATION .....</u>	<u>54</u>
<u>PART 6</u>	<u>- PROJECT TIMELINE.....</u>	<u>55</u>
<u>5.0</u>	<u>ENVIRONMENTAL ASSESSMENT .....</u>	<u>56</u>
<u>5.1</u>	<u>COMPATIBILITY WITH SURROUNDING LAND USES.....</u>	<u>56</u>
<u>5.2</u>	<u>FLOOD AND DRAINAGE.....</u>	<u>56</u>
<u>5.3</u>	<u>CONTAMINATION.....</u>	<u>57</u>
<u>5.4</u>	<u>ECOLOGY .....</u>	<u>57</u>
<u>5.5</u>	<u>LAND RESERVED FOR ACQUISITION.....</u>	<u>58</u>
<u>5.6</u>	<u>TOPOGRAPHY .....</u>	<u>58</u>
<u>5.7</u>	<u>TRAFFIC .....</u>	<u>58</u>
<u>5.8</u>	<u>SERVICES INFRASTRUCTURE .....</u>	<u>59</u>
<u>5.9</u>	<u>SOCIAL AND ECONOMIC .....</u>	<u>59</u>
<u>5.10</u>	<u>HERITAGE.....</u>	<u>60</u>
<u>5.11</u>	<u>GEOTECHNICAL .....</u>	<u>60</u>
<u>5.12</u>	<u>BUSHFIRE.....</u>	<u>61</u>
<u>6.0</u>	<u>CONCLUSION.....</u>	<u>62</u>

## List of Figures

<i>Figure 1. Aerial Image of Site (Nearmaps, 2023).....</i>	<i>9</i>
<i>Figure 2. Cadastral Map of Site (Nearmaps, 2023).....</i>	<i>9</i>
<i>Figure 3. Site Context Map (Nearmaps, 2023 - as amended by Allera Planning) .....</i>	<i>11</i>

<i>Figure 4. Land Zoning Map (NSW Legislation, 2023)</i> .....	21
<i>Figure 5. Minimum Lot Size Map (NSW Legislation, 2023)</i> .....	22
<i>Figure 6. Height of Buildings Map (NSW Legislation, 2023)</i> .....	23
<i>Figure 7. Land Reservation Acquisition Map (NSW Legislation, 2023)</i> .....	24
<i>Figure 8. Heritage Map (NSW Legislation, 2023)</i> .....	25
<i>Figure 9. Flood Planning Map (NSW Legislation, 2023)</i> .....	26
<i>Figure 10. Urban Release Area Map (NSW Legislation, 2023)</i> .....	27
<i>Figure 11. Terrestrial Biodiversity Map (NSW Legislation, 2023)</i> .....	28
<i>Figure 12. Groundwater Vulnerability Map (NSW Legislation, 2023)</i> .....	29
<i>Figure 13. Watercourse Map (NSW Legislation, 2023)</i> .....	30
<i>Figure 14. Wetlands Map (NSW Legislation, 2023)</i> .....	31
<i>Figure 15. Concept Masterplan (Hatch Roberts Day, 2023)</i> .....	35
<i>Figure 16. Composite Plan (Hatch Roberts Day, 2023)</i> .....	36
<i>Figure 17. Previous iteration of concept masterplan (Hatch Roberts Day, 2023)</i> .....	37
<i>Figure 18. Precinct Plan (Hatch Roberts Day, 2023)</i> .....	38
<i>Figure 19. Proposed Land Zoning Map (Hatch Roberts Day, 2023)</i> .....	41
<i>Figure 20. Lot Size Map (Hatch Roberts Day, 2023)</i> .....	42
<i>Figure 21. Maximum Building Height (Hatch Roberts Day, 2023)</i> .....	43
<i>Figure 22. Land reserved for acquisition (Hatch Roberts Day, 2023)</i> .....	44

## List of Tables

<i>Table 1. Existing and Proposed FLEP 2013 Provisions</i> .....	5
<i>Table 2. Legal Description of the Site</i> .....	8
<i>Table 3. Supporting Documentation</i> .....	12
<i>Table 4. Current Land Zoning Permissibility and Objectives</i> .....	18
<i>Table 5. Existing minimum subdivision lot size controls</i> .....	22
<i>Table 6. Existing and Proposed FLEP 2013 Provisions</i> .....	40
<i>Table 7. Strategic and site-specific merit test (DPE, 2023)</i> .....	45
<i>Table 8. Consistency with the Local Planning Directions</i> .....	47
<i>Table 9. Consistency with the relevant State Environmental Planning Policies</i> .....	53
<i>Table 10. Indicative project timeline</i> .....	55



# Executive Summary

This Planning Proposal has been prepared by Allera Planning on behalf of Forbesview Pty Ltd and seeks to amend the *Forbes Local Environmental Plan 2013* to facilitate the development of a concept masterplan at School Road, Forbes (830, 831, 386, 387, 388, 389, 375, 376, 1272 and 1273 in DP 750158).

This Planning Proposal comprises the rezoning of land to facilitate a concept masterplan comprising a mix of residential allotments, neighbourhood centre, public recreation and conservation land at School Road, Forbes (The Site). The proposal would comprise approximately 745 residential lots, 1.56ha land zoned for a neighbourhood centre, 5.63ha for open space and 4.41ha of area identified as conservation management. This concept masterplan has been developed in consultation with Council. The proposal would be undertaken through numerous stages across an estimated lifespan of 10-15 years, these stages would be subject to the underlying housing demand in the Forbes Local Government Area.

The subject Site is identified for future residential development in the Forbes Housing Strategy 2021-2041. This proposed concept masterplan warrants support as it represents significant fiscal investment into underutilised land identified for future residential development. The rezoning of this land would enable private investment within Forbes which will assist in taking the pressure of Council who are presently catering for the increasing housing demand in the LGA and the Central West region through the rezoning and subdivision of their own sites. The Housing Strategy sought to provide release areas over multiple properties to promote the purchase and development of land in response to market opportunities. The proposal would provide for a diverse range of lots and housing typologies at varying price points to cater for an array demographics. More specifically, the concept masterplan highlights areas for small lots within proximity to the neighbourhood centre. Through the supply and diversity of new housing the proposal will provide greater housing choice and contribute to affordability. The subject Site represents site-specific strategic merit through the inclusion with the Forbes Local Housing Strategy and consistency with other key strategic documentation such as the Forbes Local Strategic Planning Statement and Central West and Orana Regional Plan.

The Planning Proposal requests amendments to the zoning, minimum subdivision lot size, height of buildings and land reserved for acquisition map. A summary of the proposed provisions is provided in the table below. These are further outlined in Section 4.0 of this report.

*Table 1. Existing and Proposed FLEP 2013 Provisions*

Control	Existing Provisions	Proposed Provisions
Land Use Zoning	RU1 Primary Production RE1 Public Recreation R5 Large Lot Residential	R1 General Residential RE1 Public Recreation C3 Environmental Management E1 Local Centre
Minimum Subdivision Lot Size	200ha 1ha 'Area A'	250m <sup>2</sup> 400m <sup>2</sup> Remove 'Area A'
Height of Building	10m 8.5m	12m 10m 8.5m
Land Reserved for Acquisition	'Regional Open Space'	Increase the area identified for 'Regional Open Space'.

An assessment has been undertaken of contamination, geotechnical, flooding and drainage, servicing and infrastructure, transport, heritage, and social and economic impacts. All recommendations appear to be capable of being complied with and there are no significant environment planning impacts that would preclude future development of this land. Further, a preliminary Biodiversity Development Assessment Report has been prepared which indicates that a portion of land located on the northern boundary comprises

significant native vegetation. As such, the proposal has incorporated a conservation area within the masterplan to seek to preserve this native vegetation.

On balance, it is requested that the proposed amendment to the FLEP 2013 be favourably considered by Forbes Shire Council to allow the proposal to proceed to Gateway Determination by the Department of Planning and Environment.

## 1.0 Introduction

This Planning Proposal Report has been prepared on behalf of Forbesview Pty Ltd to support a Planning Proposal submitted to Forbes Shire Council.

This Planning Proposal comprises the rezoning of land to facilitate a residential masterplan comprising a mix of residential allotments, neighbourhood centre, public recreation and conservation land at School Road, Forbes (The Site). The proposal would comprise approximately 745 residential lots, 1.56ha land zoned for a neighbourhood centre, 5.63ha for open space and 4.41ha of area identified as conservation management. This concept masterplan has been developed in consultation with Council. An Urban Design Report has been prepared by Hatch Roberts Day and is provided at Appendix 2 of this Report.

This Planning Proposal responds to the Site's inclusion in the Forbes Housing Strategy 2021-2041. The Site has been identified for future residential development to cater for the significant population growth that is anticipated in the Forbes Local Government Area (LGA). This is a unique opportunity for the Forbes LGA given the size and its location on the urban fringe allowing for a masterplanned development to cater for underlying housing demand. Forbesview Pty Ltd being the landowner and sole developer will be able to provide certainty of supply of housing to address the underlying housing demand in the Forbes LGA and Central West region, demand that was previously being met by Council through development of their own land.

We commend Council on this significant body of work preparing a comprehensive Housing Strategy. We look forward to delivering a high-quality residential masterplan that seeks to increase the housing choice and diversity in the Forbes LGA.

The structure of this Planning Proposal Report is provided below:

- Introduction
- The Site
- Planning Framework
- Planning Proposal
- Environmental Assessment
- Conclusion

## 2.0 The Site

### 2.1 Site Location & Existing Site Characteristics

The Site subject of this Planning Proposal Report is School Road, Forbes and the legal description is provided in the table below:

*Table 2. Legal Description of the Site*

<b>Lots</b>	<b>Deposited Plan</b>
<b>830</b>	750158
<b>831</b>	750158
<b>386</b>	750158
<b>387</b>	750158
<b>388</b>	750158
<b>389</b>	750158
<b>375</b>	750158
<b>376</b>	750158
<b>1272</b>	750158
<b>1273</b>	750158

The Site comprises approximately 92.38 hectares, is irregular in shape and currently comprises a single dwelling house and agricultural land. The subject Site is bound by School Road to the north, Farnell Street to the east, Morton Street to the south and Edward Street to the west. The proximity to Bogan Way and Newell Highway provides enhanced accessibility to a regional road network. The Site is located approximately 3.6km from Forbes Town Centre, 33km to Parkes Town Centre, 120km to Orange City Centre and 154km to Dubbo City Centre. Further, the Site is located within proximity of the Council's DA approved subdivision that is currently under construction.

The Site and surrounding context are shown in Figure 1 and 2 below.

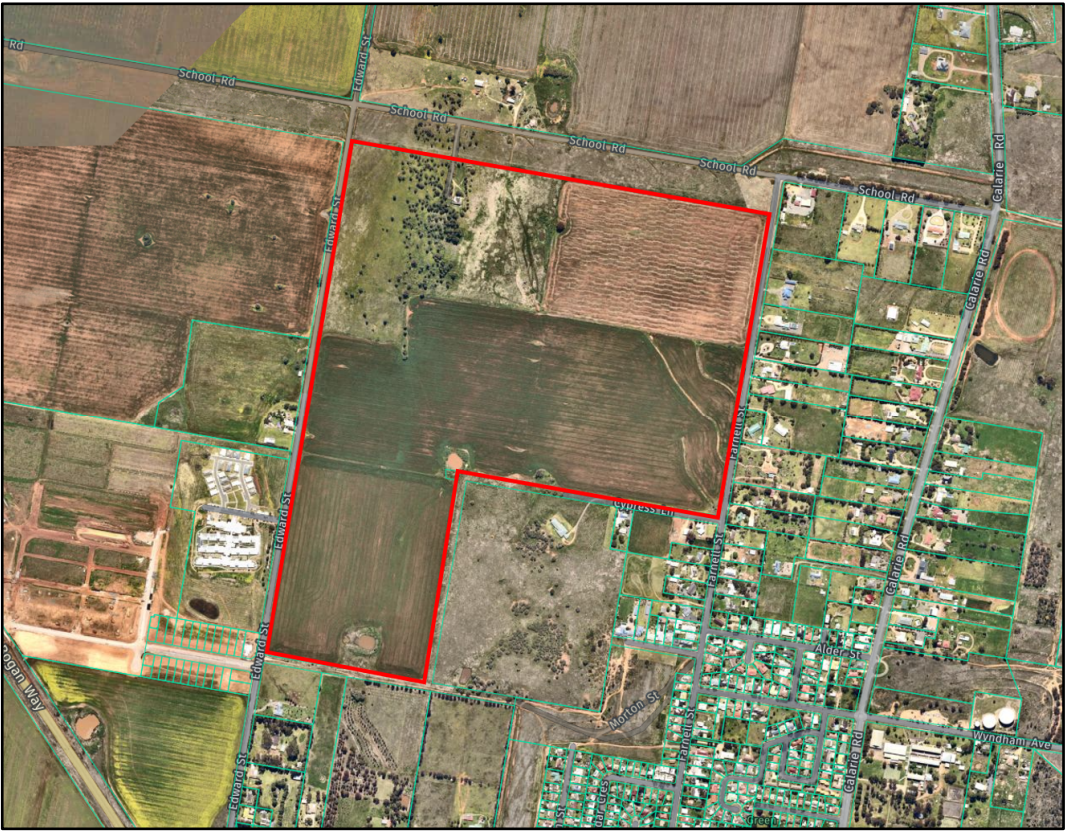


Figure 1. Aerial Image of Site (Nearmaps, 2023)

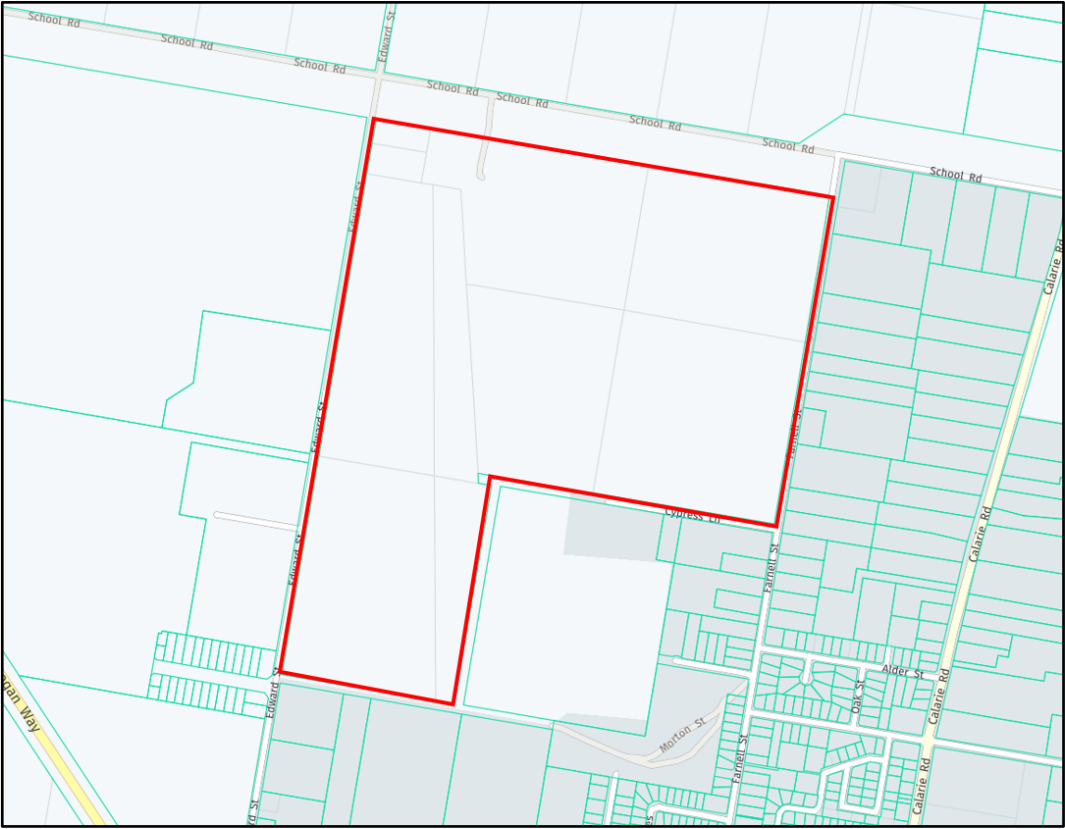


Figure 2. Cadastral Map of Site (Nearmaps, 2023)

The Site is in the Forbes LGA and is subject to the provisions of the *Forbes Local Environmental Plan 2013* (FLEP 2013). The Site is currently zoned RU1 Primary Production, R5 Large Lot Residential and RE1 Public Recreation. The Site comprises the environmental sensitivities including:

- Land reserved for acquisition; and
- Terrestrial biodiversity.

## 2.2 Site Context

The Site is located within the Forbes LGA. The immediate surrounding context comprises residential and rural zoning. More specifically, the following land use zones surround the Site:

- **South:** R1 General Residential zone
- **West:** R1 General Residential and RU1 Primary Production zones
- **North:** R5 Large Lot Residential zone
- **East:** R5 Large Lot Residential zone

The FLEP 2013 remains the primary Environmental Planning Instrument applicable to the Site. It is noted that the Site is located on the urban fringe and within direct proximity to Forbes Town Centre. As noted above, the Site is in proximity to a regional road network being Bogan Way and the State controlled Newell Highway but does not share a frontage with a regional.

Given the above, the contextual attributes of the Site are noted as follows:

- The Site is located approximately 3.6km from Forbes Town Centre.
- The Site is contained within the Forbes LGA.
- The Site is surrounded by residential and rural land use zones.
- FLEP 2013 is the primary Environmental Planning Instrument that applies to the Site. Pursuant to FLEP 2013 the Site is zoned RU1 Primary Production, R5 Large Lot Residential and RE1 Public Recreation.
- The proximity to Bogan Way provides enhanced access to facilities and services.
- Located next to Council's DA approved subdivision.

A Site context map is provided in the image below.



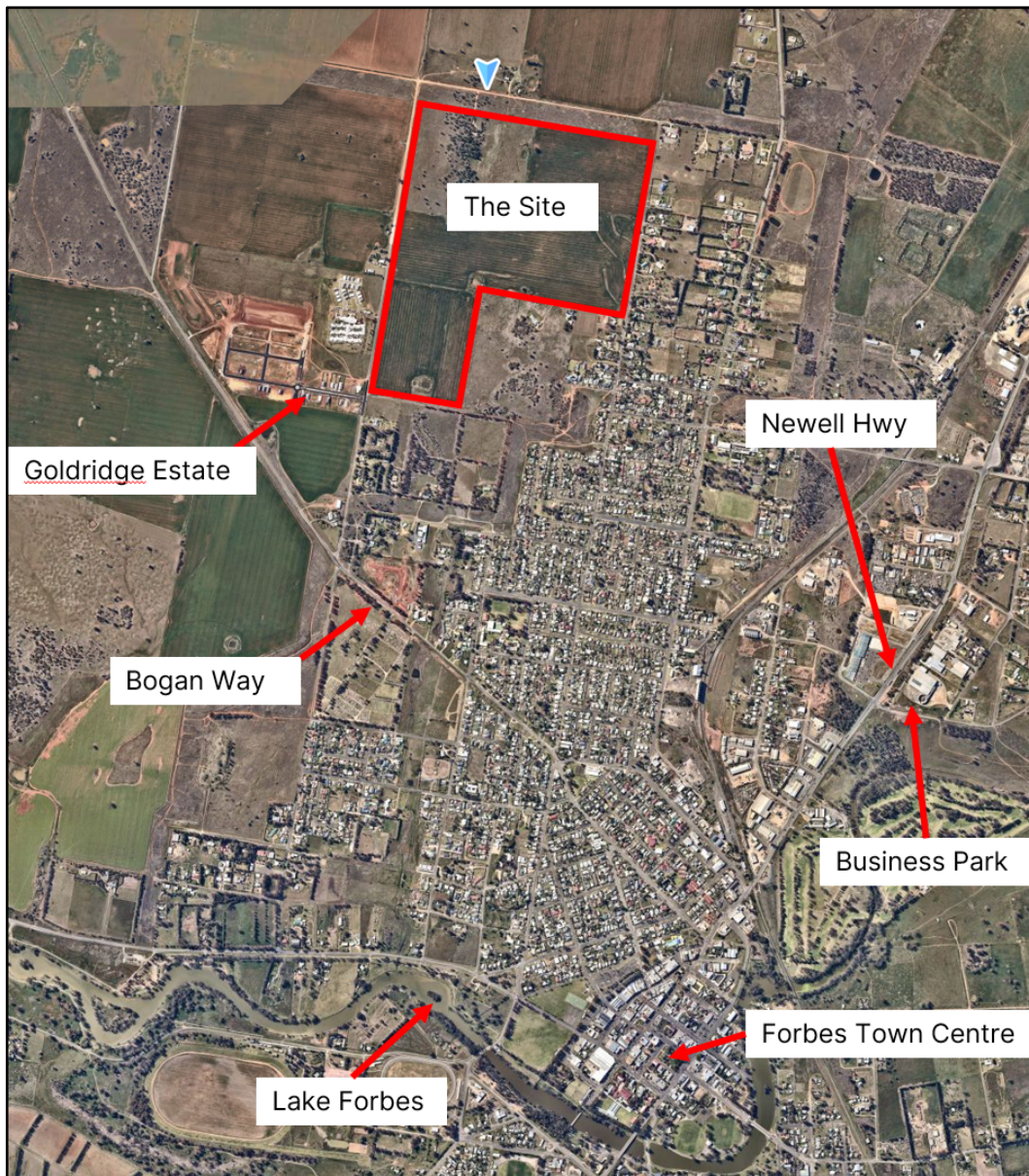


Figure 3. Site Context Map (Nearmaps, 2023 - as amended by Allera Planning)

## 2.3 Land Ownership

Forbesview Pty Ltd has exchanged contracts over the entirety of the Site and is subject to a delayed settlement. It must be acknowledged that it is considered a unique opportunity; single ownership maximises the opportunity and certainty to provide a high quality urban design outcome for the Site, and better meet the underlying demand for not only land, but housing in the region. The scale of the development would also allow for significant investment into an underutilised Site.

## 2.4 Supporting Documentation

This Planning Proposal is supported by the following relevant documentation to be read in conjunction with report:

Table 3. Supporting Documentation

Appendix	Title	Prepared By
1	Survey Plan	Zenith Construction Surveying
2	Urban Design Report	Hatch Roberts Day
3	Preliminary Site Investigation	Sydney Environmental
4	Geotechnical Report	Core Geotechnical
5	Preliminary Biodiversity Development Assessment Report	Travers Bushfire and Ecology
6	Flooding and Drainage Report	GHD
7	Servicing and Infrastructure Review	GHD
8	Transport Impact Assessment	Crossley Transport Planning
9	Aboriginal Heritage Constraints Assessment	Biosis
10	Social and Economic Impact Assessment	Hill PDA



## 3.0 Planning Framework

### 3.1 Strategic Context

This section provides an overview of the relevant planning strategies at the state, regional and local levels which includes:

- Housing 2041
- Regional Housing Taskforce
- Central West and Orana Regional Plan 2041
- Community Strategic Plan 2018-2028
- Local Strategic Planning Statement 2040
- Forbes Housing Strategy 2021-2041

#### 3.1.1 Housing 2041

Housing 2041 is a 20-year vision for housing in NSW. It embodies the government's goals and ambitions to deliver better housing outcomes by 2041—housing in the right locations, housing that suits diverse needs and housing that feels like home.

The 20-year vision for Housing 2041 is set out below:

***Peoples and communities have:***

- *access to housing security, diversity, and support, irrespective of whether they live in metropolitan or regional areas*
- *choices that enable them to afford a home without compromising on basic needs*
- *support and opportunity in differing circumstances, including people in crisis, social housing residents, private rental tenants and those who aspire to home ownership.*

***Homes in NSW are:***

- *accessible and suitable for different stages of life or changing circumstances*
- *connected to local facilities, jobs, and social networks, with infrastructure, services, and spaces that people need to live sustainably*
- *designed to support human wellbeing and respond to the environment, maximise technology and support local character and place.*

The concept masterplan seeks to provide quality housing to meet the demands for dwellings in the Central West. The proposal provides housing that would be connected to local facilities, jobs, and social networks. The proposal supports housing diversity and affordability through additional supply and a provision of a range of lot sizes.

Housing 2041 aims to meet this vision through the following aspirations:

1. *Enhanced partnerships and cross-sector collaboration.*
2. *Increased support for those most in need.*
3. *More investment and support for housing that is adaptable to changing needs and environments.*
4. *Improved alignment of housing with infrastructure and community services for NSW communities*
5. *Additional support for first homebuyers.*
6. *Continued support for people in the private rental market.*

The proposal responds to the aspirations of Housing 2041 through the provision of a range of lot sizes and diversity contributing to affordable options through provision of small lot housing.

Further, and of great importance, the proposal would seek to work with Council to provide additional investment in underutilised land to provide housing for the growing population. Additional supply of housing will also have a wider flow on affect such as lowering rents in the private rental market.

### 3.1.2 Regional Housing Taskforce

As a direct consequence of the significant increases of demand and the resultant shortfall of supply for housing throughout Regional NSW the Regional Housing Taskforce was formed in June 2021 to investigate challenges and barriers to housing supply in the NSW planning system. The Taskforce also sought to develop recommendations on how the planning system and other NSW State Government levers could be used to achieve better housing outcomes for regional NSW.

Key findings of the report, as they relate to this submission, are summarised below:

- Greenfield sites present barriers through site specific constraints such as environmental and biodiversity issues, cost, and complexity of required technical studies, the funding and delivery of critical enabling infrastructure, and development feasibility and market factors. This can lead to land banking or slow release of housing.
- Certain planning processes should be consolidated and streamlined to enable more efficient assessment. Effort and resources should be deployed to address place-based barriers and to resolve complex issues that exist within the planning system.
- There is a need for greater upfront strategic planning including investment in technical studies to resolve issues earlier in the planning process. Further, infrastructure planning, delivery and coordination need to be improved to unblock regional housing supply.

Based on the findings of the Regional Housing Taskforce, the following recommendations were provided:

1. Support measures that bring forward a supply of “development ready” land.
2. Increase the availability of affordable and diverse housing across regional NSW.
3. Provide more certainty about where, when and what types of homes will be built.
4. Investigate planning levers to facilitate the delivery of housing that meets short term needs.
5. Improve monitoring of housing and policy outcomes and demand indicators to better.

The proposal is for a masterplan on a greenfield site. Forbesview Pty Ltd are willing and have commissioned the necessary upfront reports to demonstrate that the land is ‘development ready’, void of significant environmental planning constraints and suitable for future development. As such, the proposal is considered to align with the findings and recommendations of the Regional Housing Taskforce. Further, the proposal would provide a diverse range of housing which would be clearly articulated throughout the process and providing certainty of housing typologies responding to the market demand. We intend for this to be a collaborative process with Forbes Shire Council.

Further, in August 2022 the NSW Government adopted the recommendations of the Regional Housing Taskforce as part of a comprehensive response to support the delivery of 127,000 new homes needed to house the growing population over the next 10 years.

The proposal is consistent with the aims and objectives of the Regional Housing Taskforce. The proposal seeks to bring forward the delivery of residential development through the unlocking of an existing greenfield Site which is relatively void of significant environmental constraints. Additionally, the proposal provides for a diverse range of lot sizes and housing typologies which seeks to meet the needs of the changing demographic and household composition.

### 3.1.3 Central West and Orana Regional Plan 2041

The Central West and Orana Regional Plan 2041 (Plan) is a 20-year plan for the region helping guide planning priorities and decision making. It provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions.

The Central West and Orana Regional Plan notes that Forbes is growing quickly with a projected population growth of 1.4% annually. This is a result of Forbes’ proximity to Parkes Special Activation Precinct (SAP), inland rail and industrial and commercial growth. Further, Forbes is emerging as a tourist hub with a state-of-the-art Visitor Information Centre, new Art Gallery, multiple major events such as Vanfest and Frost and Fire,

the Digital Heritage Trail, and the Somewhere Down the Lachlan Sculpture Trail. The Plan notes that Council has leveraged this growth to provide new residential land releases to cater for this growth. The proposal is within an area identified for a new residential land release and is consistent with the Local Housing Strategy.

The proposal is consistent with Part 3 People, centres housing and communities. Specifically, the proposal responds to the following objectives:

*Objective 13: Provide well located housing options to meet the demand.*

The proposal seeks to provide a high-quality masterplan which caters for the identified need for housing in the Forbes LGA. The Site is identified for future residential development in the Forbes Housing Strategy, relatively void of significant environmental constraints and located on the urban fringe close to the Forbes Town Centre. The proposal is capable of utilising existing services for the initial stages of the development, and we are working with Council to provide planned trunk infrastructure to service the later stages. The Site is considered appropriate for future residential development and the proposal would seek to cater for the housing demand in the Forbes LGA.

*Direction 14: Plans for diverse, affordable, resilient and inclusive housing.*

The proposal seeks to provide a diverse range of lots and housing typologies at varying price points to cater for varying demographics. More specifically, the concept masterplan highlights areas for small lots within proximity to the neighbourhood centre. Through the supply and diversity of new housing the proposal will provide greater housing choice and contribute to affordability.

Furthermore, the proposal would create significant employment opportunities throughout the construction thereby contributing significantly to the local economy. The neighbourhood centre would also present opportunities for ongoing employment during operation.

Hatch Roberts Day have been engaged as the urban designer and have prepared a concept masterplan. As part of any Planning Proposal Hatch Roberts Day scope is to provide urban design input on all facets of the development to ensure a high-quality urban design outcome and a healthy built environment. As outlined above, providing a high-quality urban outcome is a key objective for this proposal.

It is considered that the proposal is consistent with the Directions of the Central West and Orana Regional Plan to provide housing diversity and choice providing a healthy built environment and a high-quality urban design outcome.

### 3.1.4 Community Strategic Plan 2018-2028

The Community Strategic Plan was prepared in 2018 and outlined a 10-year vision setting out a collective vision, long term goals and community priorities for the Forbes LGA.

The proposal accords with the Direction 4 *Rural and Urban Landuse* through the provision of a residential masterplan within an area identified for future residential development. Specifically, the proposal responds to the following strategies set out to achieve this direction:

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

The proposed masterplan would result in the creation of a variety of lot types and sizes that would result in providing diversity and housing choice.

***RU4 Ensure that issues of amenity and access are addressed and accounted for in local urban design and planning***

A high quality masterplan has been designed by Hatch Roberts Day and demonstrates a range of housing typologies around an interconnected set of nodes including a hilltop conservation area, open space, a chain of ponds open space and active travel pathways and a neighbourhood centre. The proposal is considered too represents a high quality scheme that would provide excellent amenity for future residents and enhanced access to the township.

***RU6 Ensure that there is adequate land supply and subdivisions to accommodate future population growth and facilitate commercial and industrial expansion***

The proposed masterplan is required to cater for the substantial population growth that the Forbes LGA is currently experiencing. The Proponent is working closely with Council to ensure that the development will provide housing diversity and choice in the region. The flow on effects from the provision of residential development includes injection into the local economy through jobs and infrastructure. Further, the proposal incorporates a neighbourhood centre which would cater for the day-to-day needs of future and current residents in the North Forbes area.

We also consider that there is significant benefit in providing a small neighbourhood centre. During the most recent floods, the Forbes Town Centre was inundated with water and many residents were cut off from supplies. The provision of a small neighbourhood centre will be capable of catering for residents in North Forbes during flooding events. The proposal seeks to limit the size of the neighbourhood centre to ensure that the proposal does not detract from the Forbes Town Centre. We consider that this meets Direction 2 of the Community Strategic Plan through the provision of employment generating uses helping to support the day to day needs of residents without jeopardising the function of the Forbes Town Centre.

### **3.1.5 Local Strategic Planning Statement 2040**

The Forbes Local Strategic Planning Statement (LSPS) was prepared in 2020 to set out a vision and planning priorities for the future of the Forbes LGA. The vision for Forbes 2040 notes that the Forbes LGA will be the residential location of choice in the Central West because of its thriving town centre, recreational opportunities, and diverse economy. Further, it states that residential areas will experience strong growth while being mindful of environmental constraints and a wide range of housing will be made available to cater for the projected growth.

The proposal is considered the physical realisation of this vision set out in the LSPS through the provision of a high-quality residential masterplan within an area identified for residential investigation and relatively void of environmental constraints. In particular, the subject Site is not constrained by flood planning area, reactive soils, and groundwater vulnerability.

The LSPS outlined several Planning Priorities including *Our Neighbourhood* which emphasised the need to ensure new land releases were designed to grow a healthy and liveable community considering; functionality, character, and connectivity to services. The LSPS also outlined the desire to provide a balance of housing and open space to cater for the needs of future residents. The proponent has engaged Hatch Roberts Day to prepare a high-quality design of the future land release in North Forbes. The proposal demonstrates a range of housing typologies around an interconnected set of nodes including a hilltop conservation area, open space, a chain of ponds open space and active travel pathways and a neighbourhood centre.

The LSPS set out actions for Council which included the preparation of a Local Housing Strategy and the rezoning of land appropriate to support residential growth. The proposal is consistent with the LSPS through the request to rezone land identified for future residential development in the Forbes Housing Strategy. This proposal seeks to provide land appropriate for future residential development to cater for the growing Forbes community and represents significant investment into underutilised land void of any significant environmental constraints such as; flooding and groundwater vulnerability. The proposal is consistent with the vision, planning priorities and actions of the LSPS.

### **3.1.6 Forbes Housing Strategy 2021-2041**

The Forbes Housing Strategy was prepared in 2021 and endorsed earlier this year. This Strategy outlines the importance of facilitating the supply of new housing to meet the demands of the growing population. We commend Council in undertaking this significant body of work.

Forbes is projected to grow by 34% by 2041 (an additional 3,208 people) through both natural population change (779 persons) and migration (2,430 persons). This change is likely to result in demand 1,580 additional households (~1,819 dwellings when considering the NSW DPE's forecast change to household size and structure). The proposal seeks to respond to the needs of the Forbes LGA, catering for this growth through the provision of not only additional residential land, but a variety of housing product on that land – product that is best provided for by the private sector.

The housing supply analysis noted that based on the current occupancy rate and total dwelling stock, there is a deficiency in the current housing supply for the existing population. Based on future projections and the current rate of housing approvals this deficiency will only worsen. Furthermore, the recent pandemic and the changing working dynamic has seen greater population growth in regional centres. More specifically, the recent social landscape and ability to work from home has seen an increase in migration to regional cities and a significant increase in housing prices as a result. The introduction of additional housing in the Forbes LGA will have flow on effects for more affordable and diverse housing options.

In response to the Forbes Housing Framework, Council have prepared urban growth site options analysis to identify sites capable of accommodating residential growth in the Forbes LGA. The Site was identified as precincts 05 *Edwards Street, Moreton St and Cypress Lane*; 06 *Edwards Street, School Road*; and 10 *Edwards Street, School Road*. The review of each of these precincts notes that they are made up of few titles and present an excellent opportunity to provide an optimum site layout and urban design outcome. i.e., avoiding the challenges associated with fragmented ownership and delivery. The Proponent is seeking to provide this through a high-quality concept masterplan prepared by Hatch Roberts Day. The proposal is considered to represent the physical realisation of the desired future outcome and represents significant investment in an underutilised site. The concept masterplan seeks to build on the extensive work that Council has already completed for the identified precincts.

Although, these precincts have been identified as a Stage 4 and 4a of the Forbes Urban Land Staging Plan it must be noted that this staging is indicative in nature and outlines the quantum of land required to cater for projected population growth rather than the specific timing of each stage. As such, we consider that the rezoning of the subject Site meets the intent of the Forbes Urban Land Staging Plan.

This proposed concept masterplan warrants support as it represents significant fiscal investment into underutilised land identified for future residential development. The rezoning of this land would enable private investment within Forbes which will assist in taking the pressure of Council who are presently trying to cater for the increasing housing demand in the LGA and the Central West region through the rezoning and subdivision of their own sites. The urban staging plan sought to provide release areas over multiple properties to promote the purchase and development of land in response to market opportunities. This is explicitly outlined in Section 15 of the Local Housing Strategy.

A highly indicative masterplan was prepared by Council for the land to accompany the Local Housing Strategy. Whilst we have considered the extensive work that Council has done, we have engaged Hatch Roberts Day to revisit this masterplan, providing a high-quality urban outcome for the Site. We have been collaborating with Council closely to achieve the vision of the Local Housing Strategy.

The concept masterplan seeks to respond to Section 8.6 of the Local Housing Strategy which encourages the higher density living, strong urban form and improved liveability. The proposal seeks to provide well-located higher density product within proximity to open space and the local centre. The proposal will contribute to housing choice and diversity, ensure the viability of the proposed local centre, and encourage greater patronage of the open space facilities. The proposal seeks to provide an enhanced liveability whilst providing high quality, well-thought out and appropriate examples of higher density living in the Forbes LGA.

The proposal is consistent with the vision and aims of the Local Housing Strategy through the provision of additional housing to cater for the growing population in the Forbes LGA.

## 3.2 Statutory Framework

### 3.2.1 Forbes Local Environmental Plan 2013

The FLEP 2013 is the primary environmental planning instrument applying to the Site. The relevant provisions are outlined below:

#### Zoning

The subject Site is currently zoned a mix of RU1 Primary Production, R5 Large Lot Residential and RE1 Public Recreation. The relevant zoning controls are provided in the table below.

Table 4. Current Land Zoning Permissibility and Objectives

Permissibility	RU1 Primary Production	R5 Large Lot Residential	RE1 Public Recreation
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>To provide opportunities for intensive and extensive agriculture in appropriate locations consistent with the environmental capability of the land.</li> </ul>	<ul style="list-style-type: none"> <li>To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</li> <li>To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</li> <li>To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul>	<ul style="list-style-type: none"> <li>To enable land to be used for public open space or recreational purposes.</li> <li>To provide a range of recreational settings and activities and compatible land uses.</li> <li>To protect and enhance the natural environment for recreational purposes.</li> </ul>
<b>Permitted without consent</b>	Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads; Water reticulation systems	Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads; Water reticulation systems	Environmental protection works; Roads; Water reticulation systems
<b>Permitted with consent</b>	Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast	Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Home industries; Oyster aquaculture; Pond-	Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Charter and tourism boating

	<p>accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Veterinary hospitals; Water recreation structures; Water supply systems</p>	<p>based aquaculture; Roadside stalls; Tank-based aquaculture; Any other development not specified in item 2 or 4</p>	<p>facilities; Centre-based child care facilities; Community facilities; Environmental facilities; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Water recreation structures</p>
--	---	---	--

Prohibited	Any development not specified in item 2 or 3	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Entertainment facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies	Any development not specified in item 2 or 3
------------	--	---	--

Whilst the zoning reflects the current uses on the subject Site, the Forbes Housing Strategy has identified the Site for future residential development. The Site is currently surrounded by existing and future residential development including R1 General Residential to the south and west of the Site and R5 Large Lot Residential to east. The proposed rezoning represents the future desired use of the land.

A zoning map is provided in the figure below.



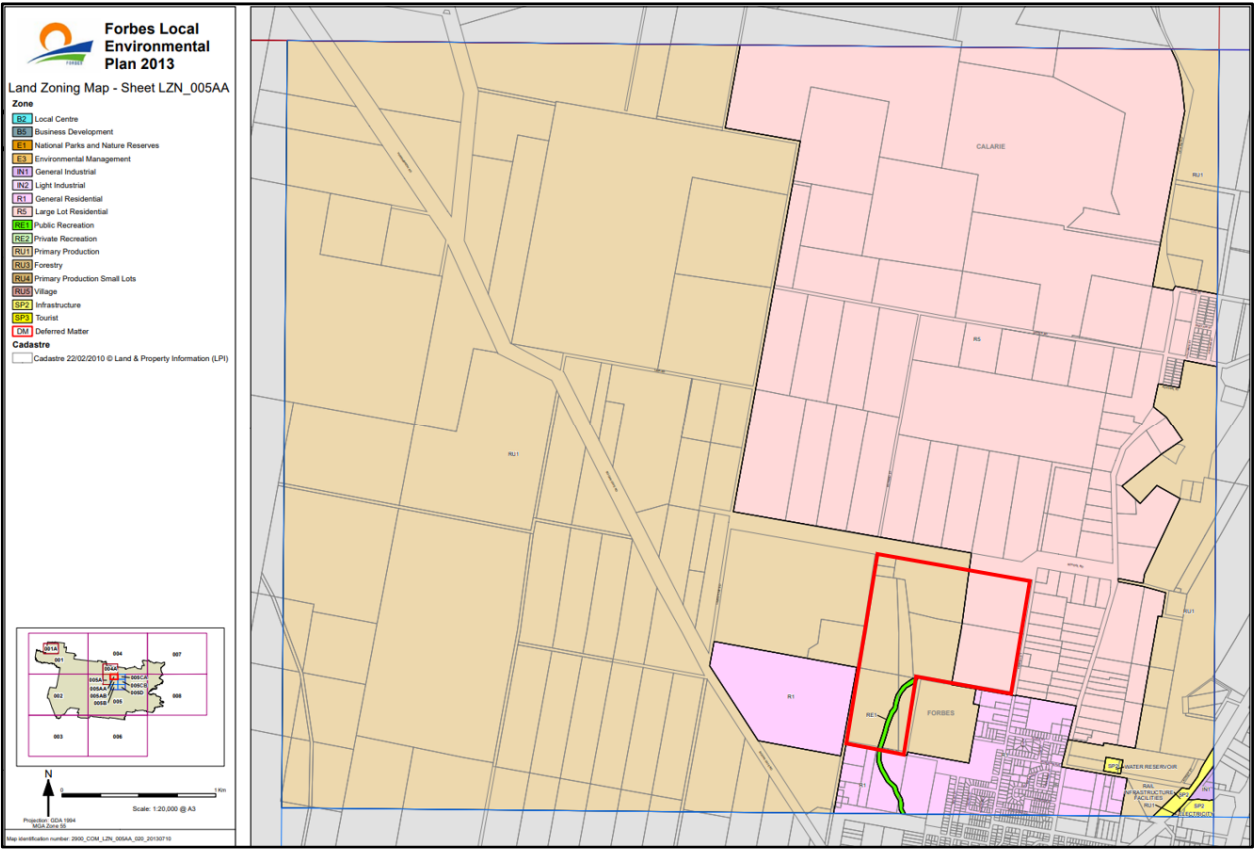


Figure 4. Land Zoning Map (NSW Legislation, 2023)

## Minimum Lot Size

Each of the existing zones on the subject Site comprise a different lot size. This is outlined in the table below:

Table 5. Existing minimum subdivision lot size controls

Control	RU1 Primary Production	R5 Large Lot Residential	RE1 Public Recreation
Minimum subdivision lot size	200ha	1ha (Site identified as 'Area A' which may be reduced to 4,000m <sup>2</sup> lots)	N/A

The minimum lot size map is provided in the figure below.

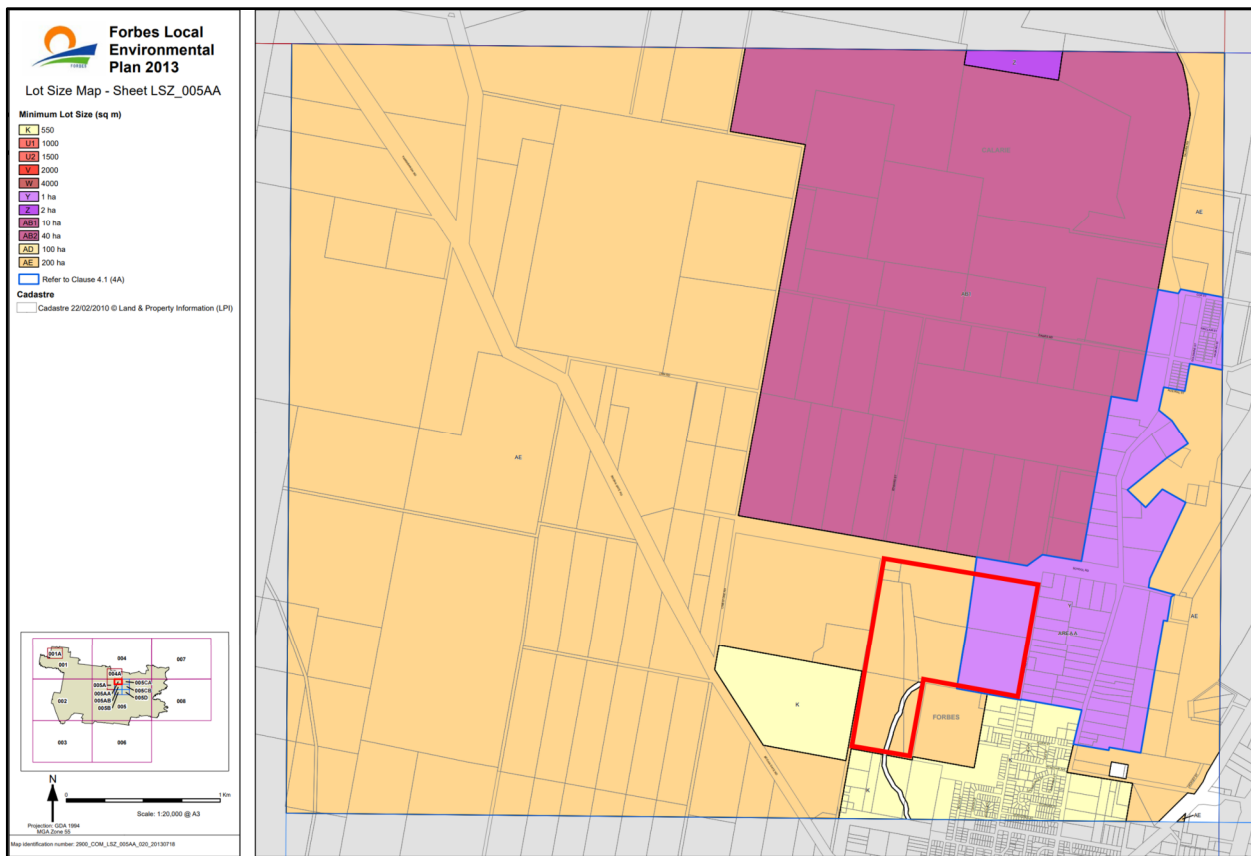


Figure 5. Minimum Lot Size Map (NSW Legislation, 2023)

### Height of Buildings

The subject Site comprises a mix of existing maximum building heights of 8.5m and 10m. More specifically, the maximum building height for the RU1 Primary Production and RE1 Public Recreation zoned land is 10m and is 8.5m for the R5 Large Lot Residential zoned land.

The height of buildings map is provided in the following figure.

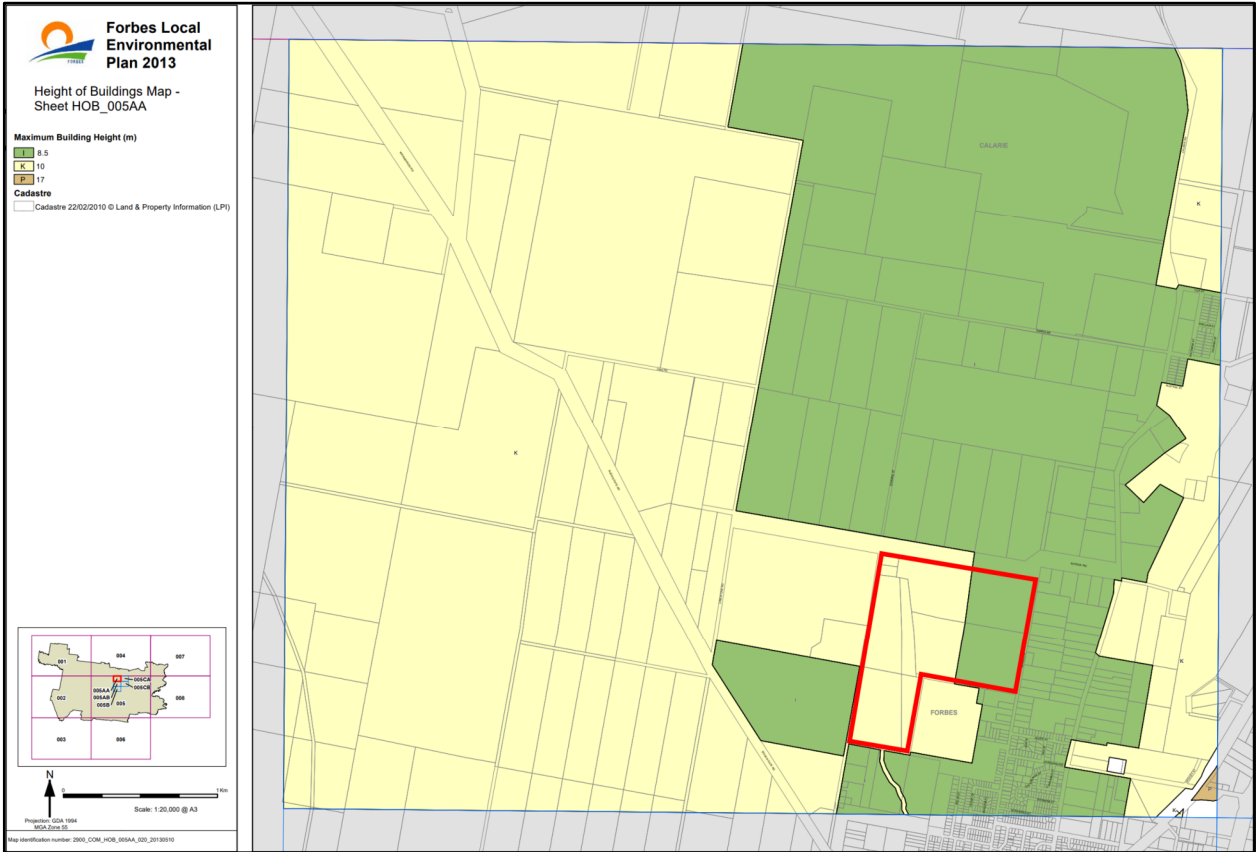


Figure 6. Height of Buildings Map (NSW Legislation, 2023)

## Relevant Acquisition Authority

The RE1 Public Recreation Land is identified as being land reserved for acquisition. The land is identified as land for 'Regional Open Space'. No other portion of the land has been identified as land reserved for acquisition.

The Land Reservation Acquisition map is provided in the following figure.

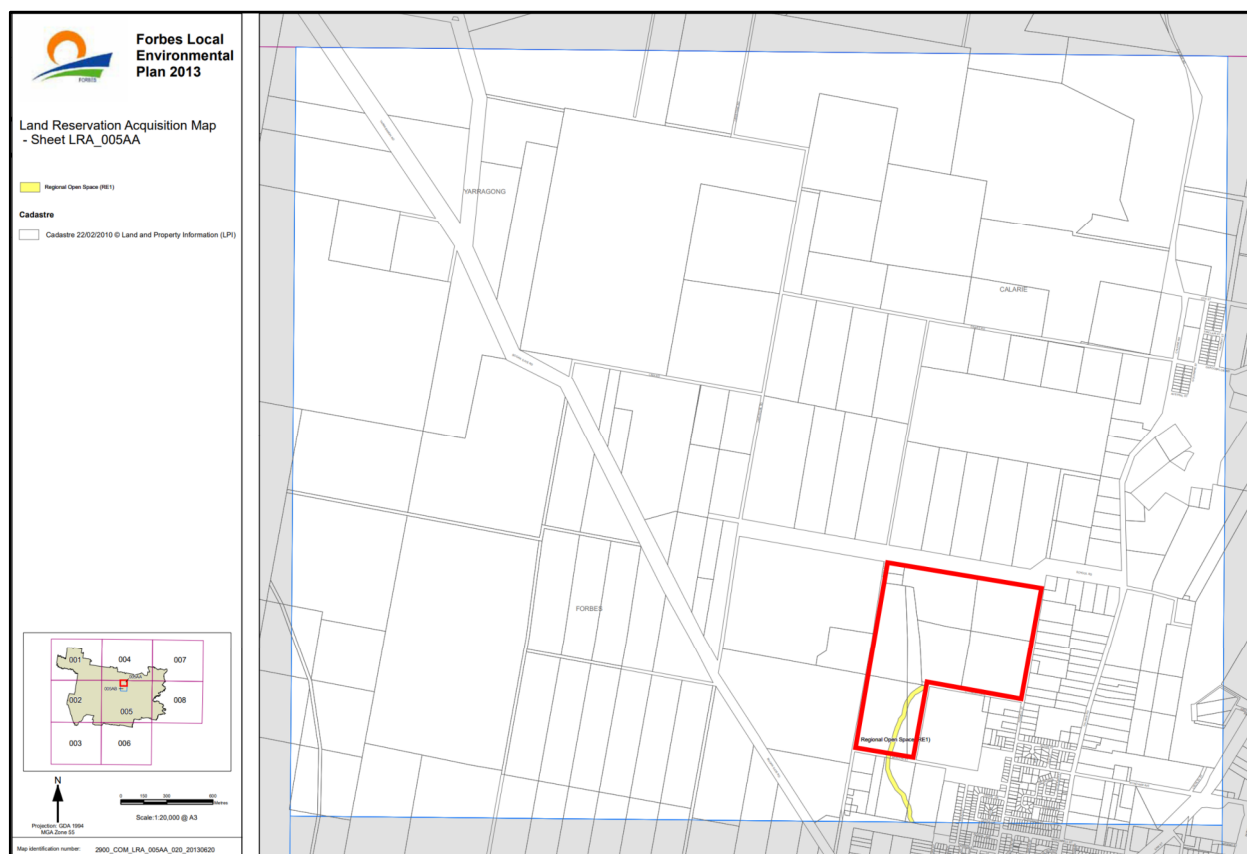


Figure 7. Land Reservation Acquisition Map (NSW Legislation, 2023)

## Heritage Conservation

The subject Site is not identified as a heritage item nor is it located with a heritage conservation area. Further, an Aboriginal Heritage Constraints Assessment has been prepared by Biosis which concluded that no further assessment was warranted subject to the implementation of an unexpected finds protocol.

Council's heritage mapping is provided in the following figure, and the Aboriginal Heritage Constraints Assessment is provided at Appendix 9.

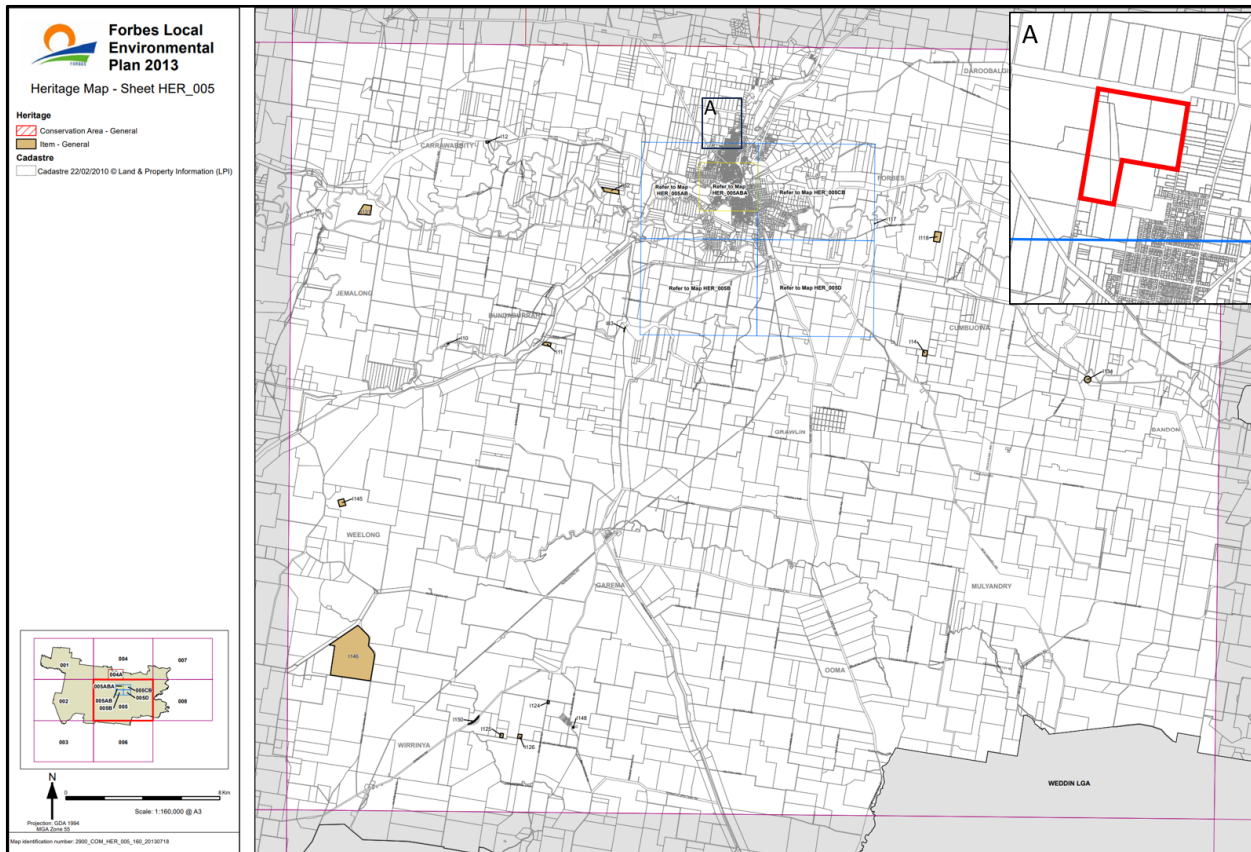


Figure 8. Heritage Map (NSW Legislation, 2023)

## Flood Planning

The subject Site is not located within the flood planning area as identified by Council's FLEP 2013 mapping. Notwithstanding Council's mapping, a Flooding and Drainage Report has been prepared by GHD and concludes that the concept masterplan incorporates measures to address the flooding, drainage and water quality requirements that are suitable for consideration by Forbes Shire Council and other relevant authorities.

The flood planning area mapping is provided in the following figure and the Flooding and Drainage Report is provided at Appendix 6.

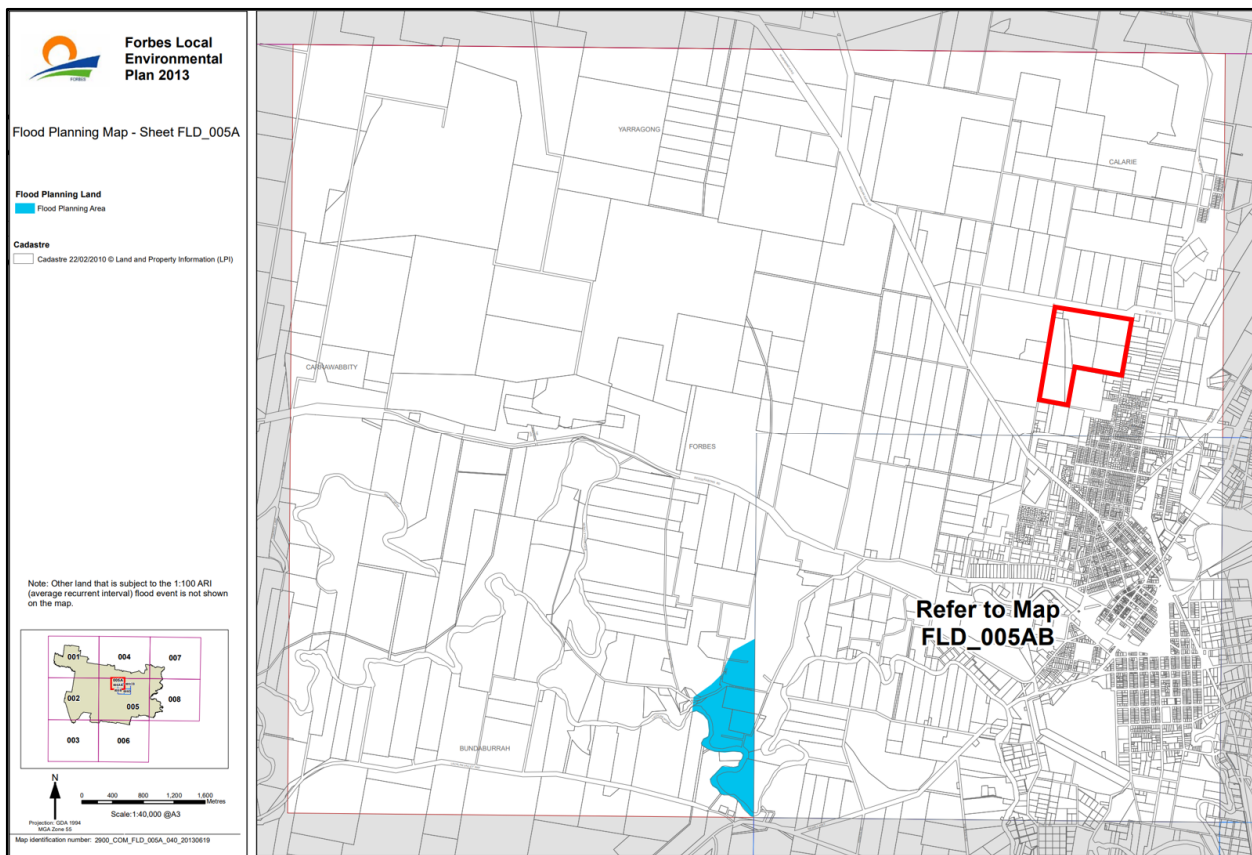


Figure 9. Flood Planning Map (NSW Legislation, 2023)



Urban Release Area

The subject Site is not identified as being located within an Urban Release Area pursuant to the FLEP 2013. The urban release area mapping is shown in the following figure.

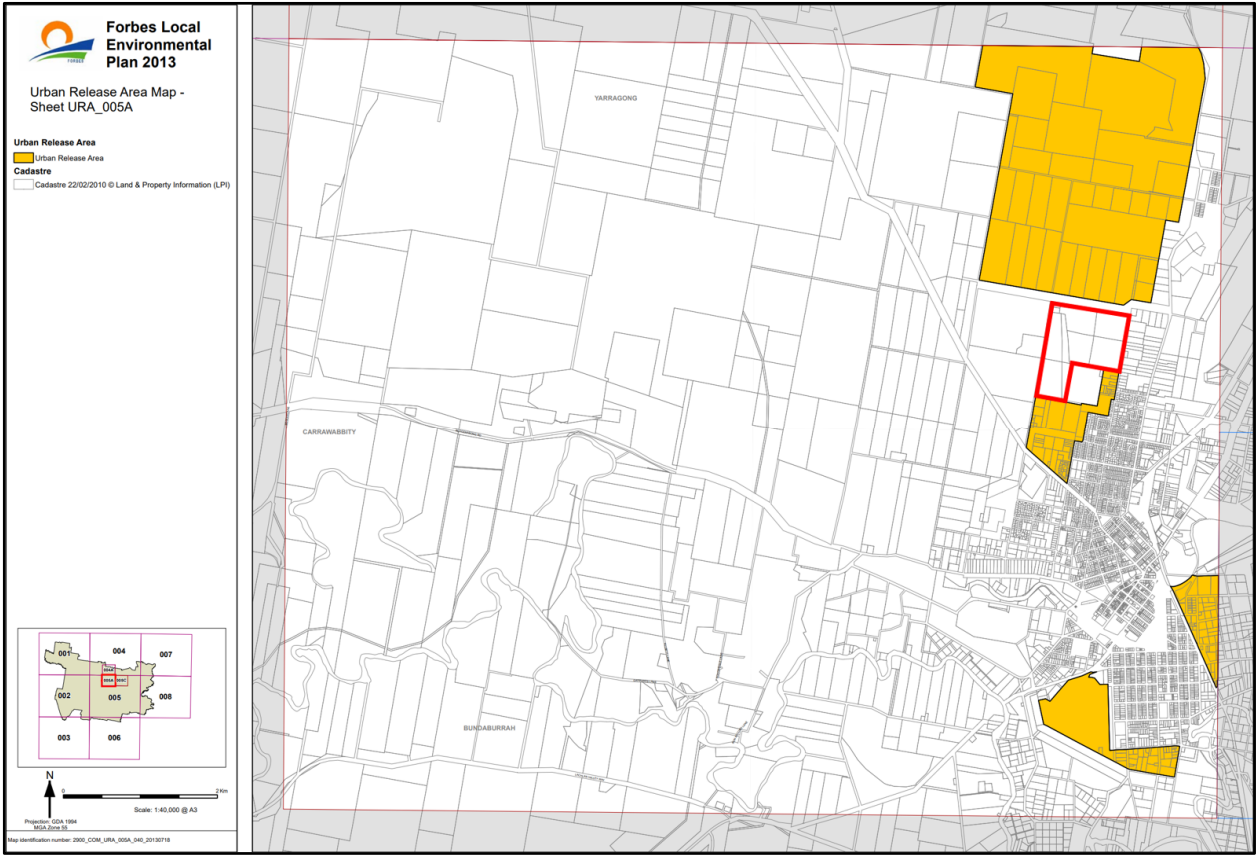


Figure 10. Urban Release Area Map (NSW Legislation, 2023)

## Terrestrial Biodiversity

A portion of land along the northern boundary of the Site is identified as containing land comprising high biodiversity. A preliminary Biodiversity Development Assessment Report (BDAR) has been prepared by Travers Bushfire and Ecology. The preliminary BDAR has recommended that we seek to retain as many trees as possible in the northern portion of the Site. This has necessitated the irregular shape of the hilltop reserve.

The terrestrial biodiversity map is provided in the following figure and the preliminary BDAR is provided at Appendix 5.

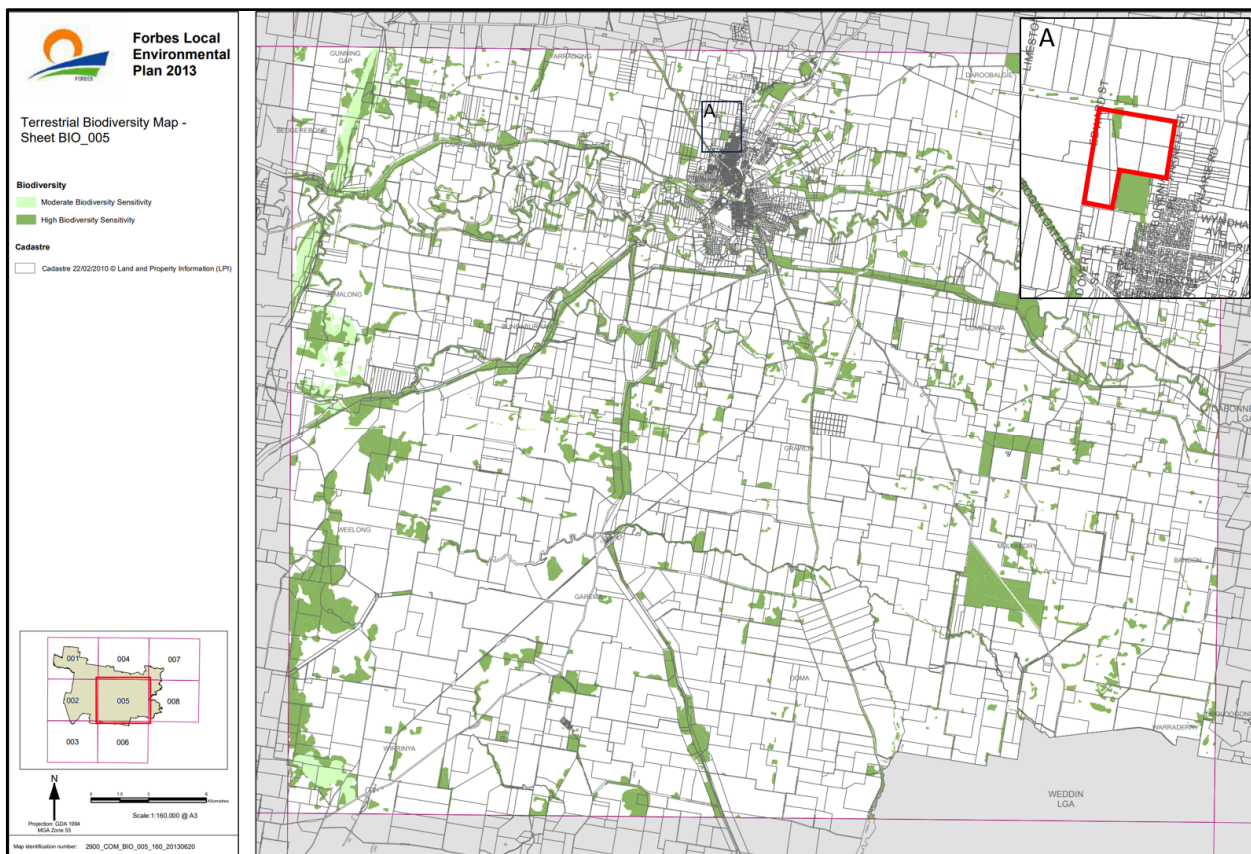


Figure 11. Terrestrial Biodiversity Map (NSW Legislation, 2023)



Groundwater Vulnerability

The subject Site is not identified as being in an area comprising Groundwater Vulnerability.

The Groundwater Vulnerability Map is provided in the following figure.

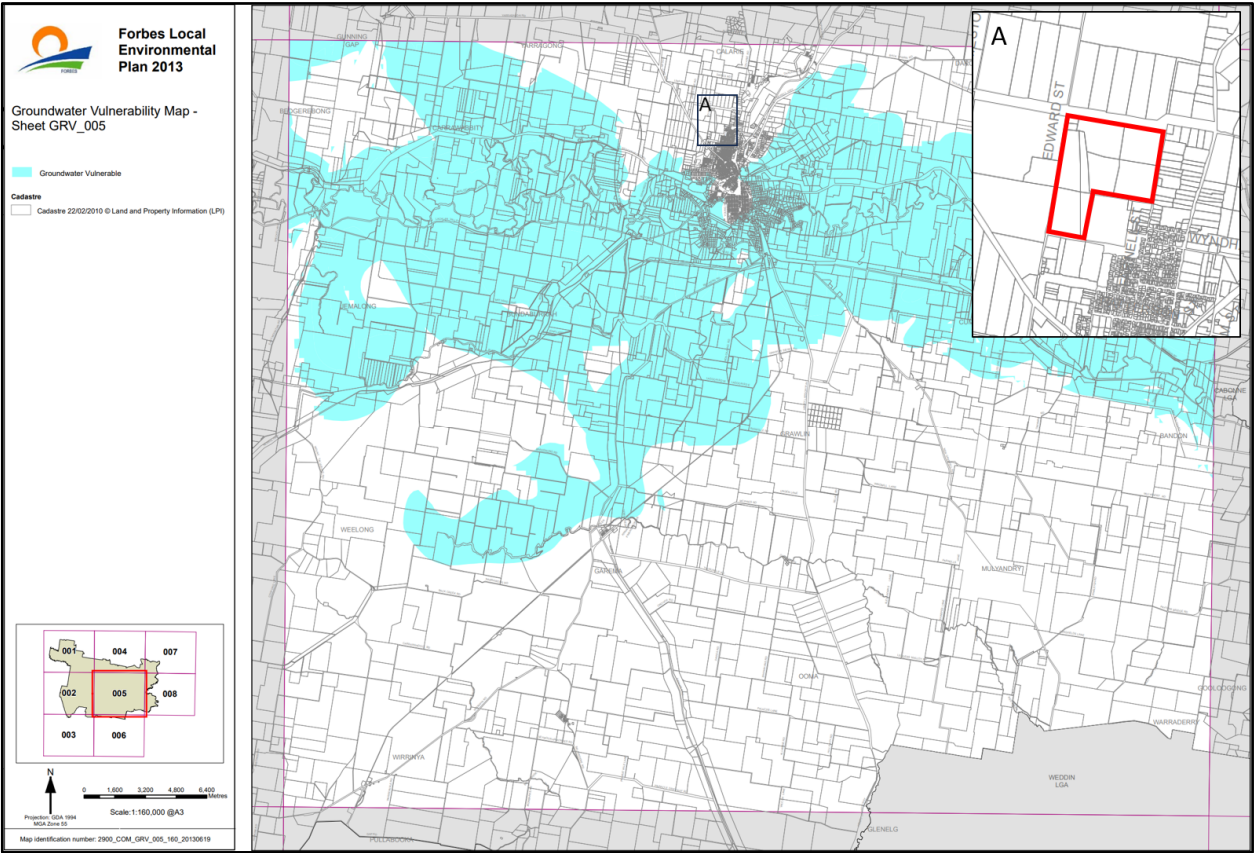


Figure 12. Groundwater Vulnerability Map (NSW Legislation, 2023)

The subject Site is not identified as comprising riparian land and/or a watercourse.

The Watercourse Map is provided in the following figure.

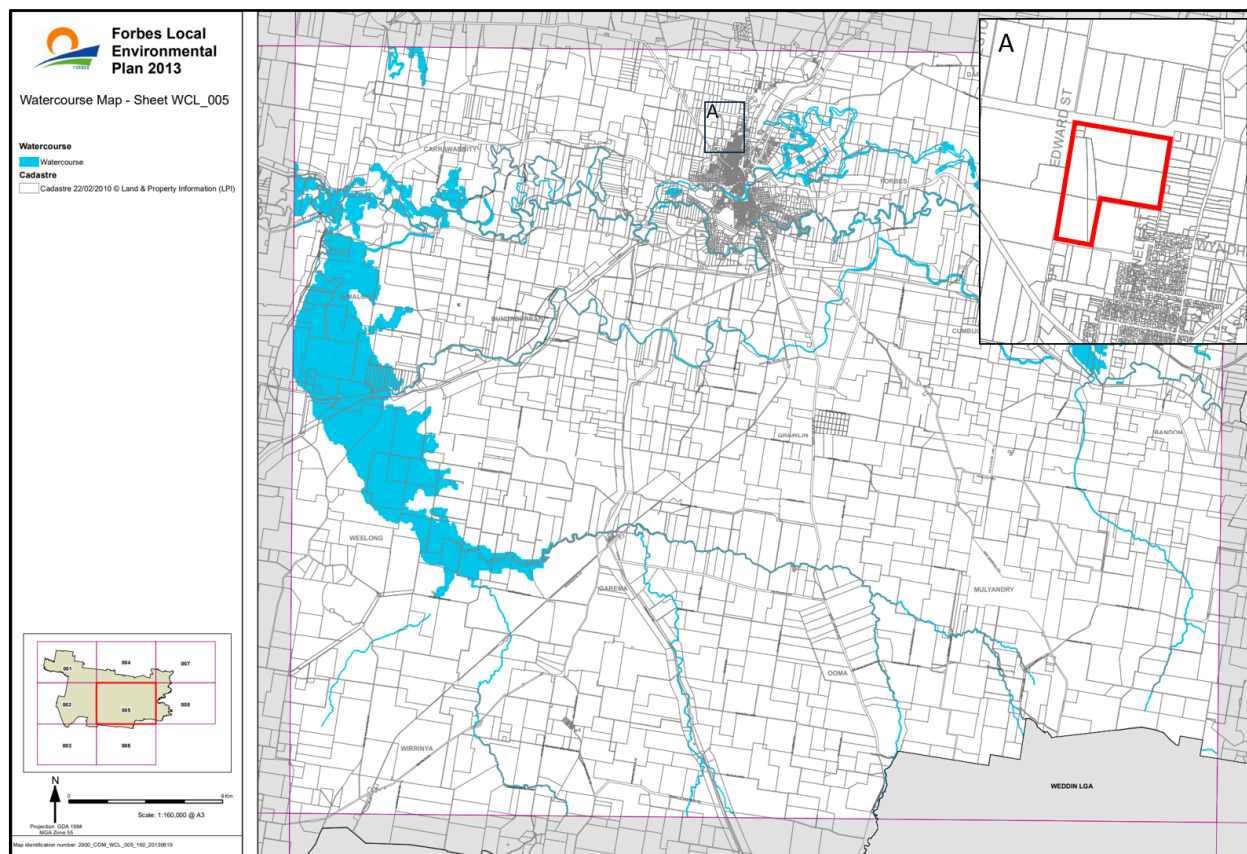
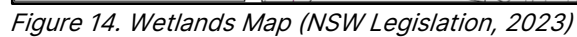


Figure 13. Watercourse Map (NSW Legislation, 2023)

The Site is not identified as comprising a Wetland. The FLEP 2013 Wetlands map is provided in the following figure.



31

### 3.2.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the overarching statutory planning legislation in NSW. The EP&A Act provides the legislative framework for assessment and approval of the proposed development. The objects of the Act are as follows:

- a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- c) to promote the orderly and economic use and development of land,*
- d) to promote the delivery and maintenance of affordable housing,*
- e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- g) to promote good design and amenity of the built environment,*
- h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- j) to provide increased opportunity for community participation in environmental planning and assessment.*

The Site has been identified for urban development through the Forbes Housing Strategy and the request for rezoning is considered to promote the orderly and economic use of the land. The rezoning would facilitate residential zoned land for the development of variety of housing and lot types that would contribute to housing choice and diversity in the Forbes LGA.

### 3.2.3 Biodiversity Conservation Act 2016

The purpose of the *Biodiversity Act 2016* (BC Act) is to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecological sustainable development.

Part 4, Division 2 and 5 lists threatened species, ecological communities, and key threatening processes to be considered under s73. S73 sets out the test for determining whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Further, Part 6 establishes an offsets scheme which aims to ensure there is no net loss of biodiversity values. Entry into the offset scheme is triggered by exceeding the thresholds as outlined in Part 7 of the BC Regulation, specifically:

- Clearing of native vegetation greater than 0.25 ha (based upon minimum lot size of less than 1 ha).
- Clearing of land within the Biodiversity Values Map, which identifies areas of high biodiversity value.
- Development that will significantly affect threatened species or ecological communities, or their habitats (according to s7.3 of the BC Act).

When submitting an application to the consent authority, proponents must provide evidence related to the Biodiversity Offset Scheme thresholds' triggers and, where applicable, the test of significance. Under Part 4 of the EP&A Act, development consent cannot be granted for non-state significant developments if it's believed that there will be serious and irreversible impacts (SAIL) on biodiversity values. These SAIL determinations are in line with principles listed under Section 6.7 of the *Biodiversity Conservation Regulation 2017*, which focuses on threats that might significantly raise extinction risks for certain species or ecological communities in New South Wales. Furthermore, the threatened species test of significance evaluates the potential impacts of developments on these species or communities and their habitats. This test, detailed in Section 7.3 of the BC Act, is crucial for BOS entry requirements and for activities under Part 5 of the EP&A

Act. If a significant impact is likely or the activity takes place in an area with outstanding biodiversity value, the proponent must utilize the BOS or produce a species impact statement (SIS). Otherwise, the environmental impacts of activities deemed not significantly harmful to threatened species will be evaluated under Section 111 of the EP&A Act.

An ecological survey, compliant with the Biodiversity Assessment Methodology (BAM) and other legislation, was undertaken. This thorough survey confirmed the presence of the Grey-crowned Babbler and the threatened ecological community of Grey Box Grassy Woodlands of South-Eastern Australia within the development footprint.

Given the ecological nuances of the area, an environmental conservation zone has been proposed to avoid impacts on the existing vegetation along the northern boundary of the Site. The primary conservation approach is to strategically design the concept masterplan in areas with low biodiversity, primarily focusing on previously cleared land.

The preliminary BDAR is discussed further in Section 5.4 of this report.

### **3.2.4 State Environmental Planning Policy (Resilience and Hazards) 2021**

A Preliminary Site Investigations (PSI) for Contamination has been prepared by Sydney Environmental to support this Planning Proposal and is attached at Appendix 3. The PSI concluded that a targeted Detailed Site Investigations should be prepared for the portions of the Site identified as Potential Areas of Environmental Concern as part any future Development Application in accordance with the requirements of the *State Environmental Planning Policy (Resilience and Hazards) 2021*. Given the isolated Potential Areas of Concern, the PSI is considered appropriate to support this Planning Proposal and a Detailed Site Investigations would be prepared to support any future Development Application.

## 4.0 Planning Proposal

A concept masterplan has been prepared for the Site which has been informed by a variety of consultant reports. An Urban Design Report has been prepared by Hatch Roberts Day and is provided at Appendix 2.

### Overview of Concept Masterplan

The detailed masterplan would be undertaken through numerous stages across an estimated lifespan of 10-15 years, creating approximately 745 dwellings. This phased development is planned to be responsive to the underlying housing demand.

A focal point of this progressive scheme is the allocation of approximately 1.56ha of land to a multifunctional neighbourhood centre. This centre is anticipated to accommodate an overall floor space between 2,000m<sup>2</sup> and 4,000m<sup>2</sup>, encompassing essential amenities such as a supermarket, specialised retailers, child care facilities, a medical centre, along with several cafés, gyms, and restaurants. Any future neighbourhood centre would be cognisant and respectful of the existing centre hierarchy and would seek to complement Forbes Town Centre. This is evidenced by a proposed maximum building height of 12m which is lower than that of the Forbes Town Centre (maximum building height of 17m) and the limited building envelope of the proposed E1 Local Centre portion of land.

Adjacent to the community core, a generous 5.63ha of land has been designated for open spaces and recreational amenities. 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. These integrative features aim to substantiate the development as a lifestyle-centric hub for the evolving Forbes community.

The plan promotes and encourages walkability, establishing a green central spine connecting the shared path network and situating the neighbourhood centre within a strategic 10-minute walkable catchment. This innovative integration not only aligns with the foundational principles of the Forbes Housing Strategy but also envisages a connective future pathway extending the town's expansion towards Lake Forbes.

At the northern boundary of the development, a proposed hilltop reserve covers approximately 4.41ha, doubling as a conservation area to protect indigenous vegetation identified as being of high biodiversity value. This area will feature low impact pedestrian pathways and a lookout point with views toward Forbes town centre. Furthermore, the integration of a water reservoir is under consideration, subject to the findings of studies and continuous consultations with the Council, ensuring every component of the development is refined and harmonises with the collective vision and needs of the community.

The proposed concept masterplan prepared by Hatch Roberts Day is provided in the following figure.





Figure 15. Concept Masterplan (Hatch Roberts Day, 2023)



## Design Development

This concept masterplan has been developed in consultation with Forbes Shire Council and the project team, and it is the culmination of numerous iterations. Initially, Hatch Roberts Day utilised a composite plan that examined the key elements of the subject site, which began to shape the initial concept. This composite plan considered the topography of the site, its connections, interconnected nodes, growth, and staging, as well as the orientation addressing the terrain.

The composite plan is provided in the following figure.

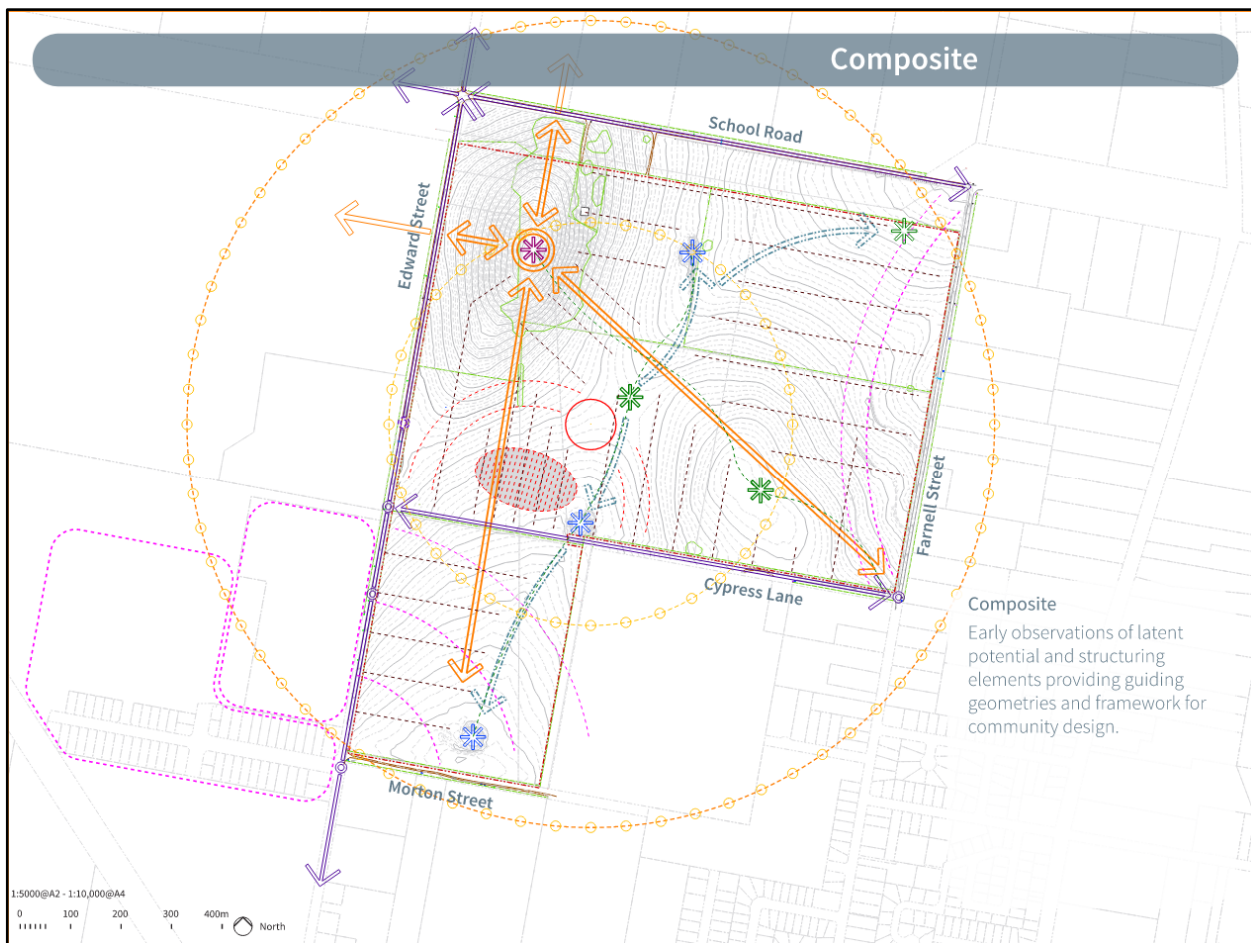


Figure 16. Composite Plan (Hatch Roberts Day, 2023)

This composite plan evolved into the initial concept masterplan, which was then shared with the Council, the Department of Planning and Environment, and the consultant team. Both provided positive feedback, though some minor amendments were discussed. The most significant change stemmed from biodiversity feedback. This feedback highlighted the vegetation to the north as significant, and a recommendation was made to avoid its removal. While previous iterations of the scheme depicted a more regular shape following the ridgelines of the hilltop, this amendment has led to a more organic shape that aims to preserve the vegetation in that area. It must also be noted that roads joining School Road were removed from the proposed masterplan to preserve the Travelling Stock Reserve (TSR).

The previous iteration of the scheme is provided in the image below.



Figure 17. Previous iteration of concept masterplan (Hatch Roberts Day, 2023)



## Growth, Precincts and Staging

As noted above, the proposal is likely to be released over a 10-15 year period dependent on the underlying housing demand. The Urban Design Report has identified 5 key precincts being: Southern (A), Central (B), Hilltop (C), Eastern (D) and Northern (E). Whilst the precise detail of the staging is yet to be worked through, the proposal assumes that the Southern (A) Precinct will be developed first given the location of the existing infrastructure and surrounding development. Total number of residential lots released at any time would likely be small to ensure that the market is not saturated.



Figure 18. Precinct Plan (Hatch Roberts Day, 2023)

## PART 1 - Objectives or intended outcomes

This section sets out the objectives and intended outcomes for the Planning Proposal.

### Objectives

The following aims and objectives have been identified as forming the basis of the proposal.

- 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 Site and concept masterplan are considered to meet the objectives of the project.

### Intended Outcomes

The intended outcomes are to provide:

- Rezone the land to support the concept masterplan as outlined above.
- Provide a small neighbourhood centre to meet the day-to-day needs of the current and future residents in North Forbes without comprising the function of the existing Forbes Town Centre.
- Allow for sufficient public open to space to contribute positively to the future liveability of North Forbes.
- Provide a conservation area to preserve vegetation identified as comprising high biodiversity value.
- Allow for a diversity of housing types to address the needs of the Forbes community.
- A scale of development that integrates with the existing development as well as represents the desired future character of the area.
- Provide a link between town and country with a significant focus on high quality landscaping outcome with a focus on water and a link between the Site and Lake Forbes.
- Allow for a high quality walkable and active transport network which promotes safe pedestrian travel.
- Incorporate Forbes rich cultural identity within the development with links to the civil character and compact public spaces.

These intended outcomes have informed the basis of the proposed concept masterplan.

## PART 2 - Explanation of the provisions

The objectives and intended outcomes of the Planning Proposal will be achieved by amendments to the FLEP 2013 as they apply to the Site.

More specifically, the Planning Proposal requests amendments to the zoning, minimum subdivision lot size, height of buildings and land reserved for acquisition map.

A summary of the proposed provisions is provided in the table below.

*Table 6. Existing and Proposed FLEP 2013 Provisions*

Control	Existing Provisions	Proposed Provisions
<b>Land Use Zoning</b>	RU1 Primary Production RE1 Public Recreation R5 Large Lot Residential	R1 General Residential RE1 Public Recreation C3 Environmental Management E1 Local Centre
<b>Minimum Subdivision Lot Size</b>	200ha 1ha 'Area A'	250m <sup>2</sup> 400m <sup>2</sup> Remove 'Area A'
<b>Height of Building</b>	10m 8.5m	12m 10m 8.5m
<b>Land Reserved for Acquisition</b>	'Regional Open Space'	Increase the area identified for 'Regional Open Space'.

## Proposed Land Zoning

Amend the FLEP 2013 'Land Zoning Map' Sheet 005AA as it applies to the subject Site from RU1 Primary Production, RE1 Public Recreation and R5 Large Lot Residential to R1 General Residential, RE1 Public Recreation, C3 Environmental Management and E1 Local Centre as shown in the figure below. For the purposes of the image below, the areas identified as 'Residential' would be zoned R1 General Residential, the areas identified as 'Neighbourhood centre' would be zoned E1 Local Centre, the areas identified as 'Open space' would be zoned RE1 Public Recreation and the areas identified as 'Nature reserve' would be zoned C3 Environmental Management.



Figure 19. Proposed Land Zoning Map (Hatch Roberts Day, 2023)

## Proposed Minimum Subdivision Lot Size

Amend the FLEP 2013 'Lot Size Map' Sheet 005AA as it applies to the subject Site from 200ha, 1ha and 'Area A' to 250m<sup>2</sup> in areas located near the neighbourhood centre and 400m<sup>2</sup> for the remainder of the Site. The proposal seeks to remove 'Area A' and no minimum subdivision lot size is proposed for the areas zoned RE1 Public Recreation, E1 Local Centre and C3 Environmental Management. The proposed 'Lot Size Map' is shown in the figure below.

The area identified marginally differs from the medium density lots identified on the masterplan. This has been proposed to provide flexibility to allow for an adequate transition in lots sizes within the development. You will note that a minimum subdivision lot size of 400m<sup>2</sup> has been maintained along Farnell and Edward Street to allow for some articulation of these frontages

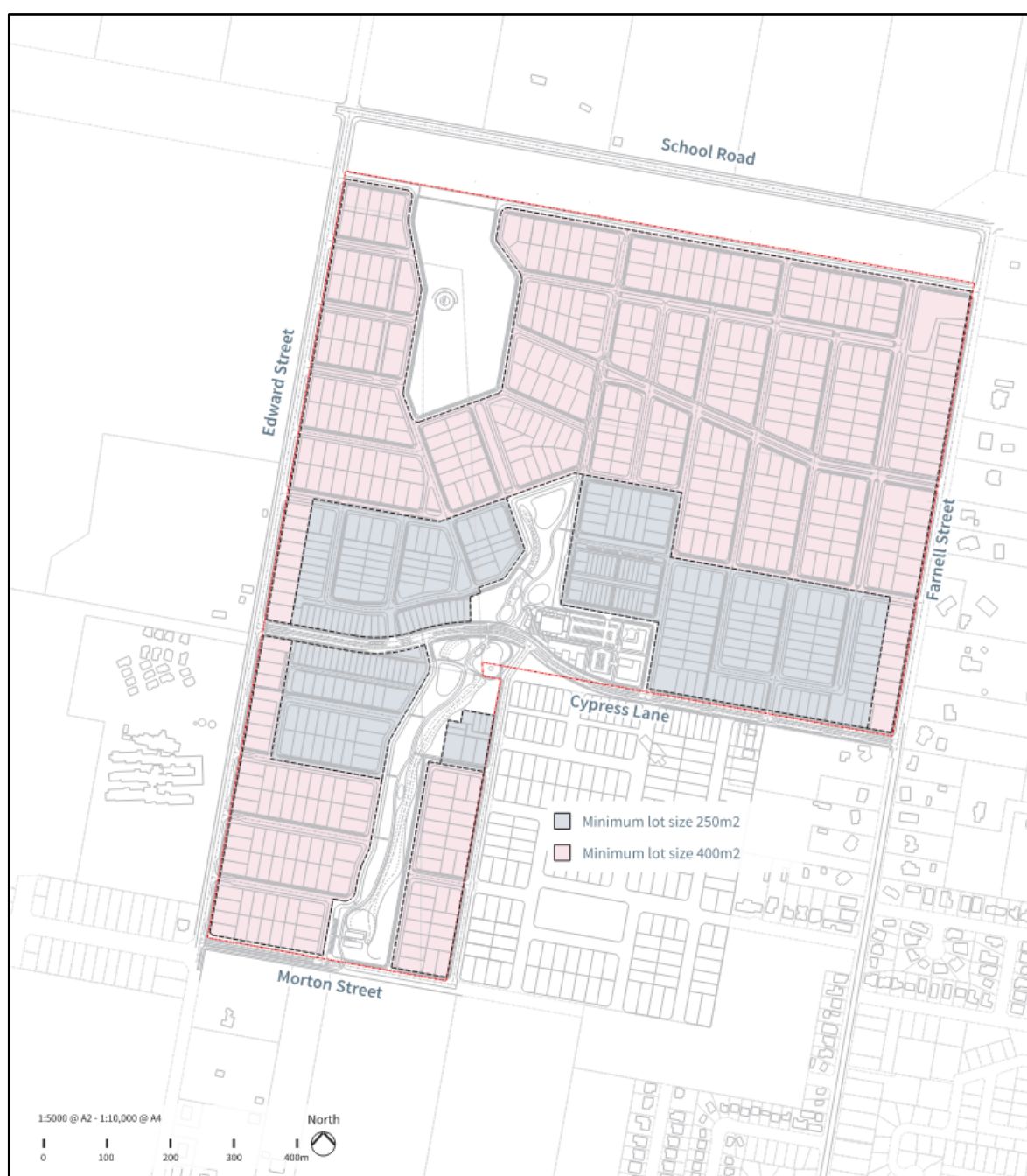


Figure 20. Lot Size Map (Hatch Roberts Day, 2023)



## Proposed Height of Buildings

Amend FLEP 2013 'Height of Buildings' Sheet 005AA as it applies to the subject Site from 8.5m and 10m to a combination of 8.5m, 10m and 12m. More specifically, the proposal would incorporate an 8.5m height limit for residential areas, a 10m height limit for recreation and conservation areas, and a 12m height limit for the local centre.



Figure 21. Maximum Building Height (Hatch Roberts Day, 2023)

## Land Reserved for Acquisition

Amend FLEP 2013 'Land Reservation Acquisition Map' Sheet 005AA as it applies to the subject Site to include the proposed RE1 Public Recreation and C3 Environmental Management zoned land.

See the proposed land reserved for acquisition shown on the following figure.



Figure 22. Land reserved for acquisition (Hatch Roberts Day, 2023)

## PART 3 - Justification of strategic and site-specific merit

This proposal reviews the strategic and site-specific merit of the Planning Proposal. The table below responds to the questions outlined in the Local Environmental Plan Making Guideline prepared by the Department of Planning and Environment.

Table 7. Strategic and site-specific merit test (DPE, 2023)

Question	Consistent	Response
<b>Section A – need for the planning proposal</b>		
1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?	YES	<p>Refer to Section 3.1.5 of this report.</p> <p>In the 'Our Neighbourhoods' section of the LSPS, North Forbes was identified as an area anticipated to cater for most of the growing housing needs now and into the future. Further, a key action of LSPS was to prepare a Housing Strategy that identifies future residential growth areas, plans land releases, and proposes strategies to manage required infrastructure upgrades and environmental constraints such as flooding and groundwater vulnerability. The Forbes Housing Strategy 2021-2041 was prepared as result.</p> <p>This Strategy identifies the entirety of the subject Site as land for future rezoning and as such, the proposal is considered consistent with the intent of the Forbes Housing Strategy 2021-2041 and the LSPS.</p>
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	YES	<p>A Planning Proposal is considered the best means of achieving the objectives and the intended outcomes. The Forbes Housing Strategy recommends the rezoning of this land to facilitate future residential development. The single ownership of a large portion of land such as this would allow for the creation of a high quality masterplan to service the needs of the Forbes community.</p>
<b>Section B – relationship to the strategic planning framework</b>		
3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	YES	<p>The proposal is consistent with the Central West and Orana Regional Plan 2041. Please refer to Section 3.1.3 of this report.</p> <p>The proposal specifically responds to Objective 13 <i>Provide well located housing options to meet demand</i> which seeks to provide additional housing in appropriate locations. The concept masterplan proposes residential lots in an area identified with the Housing Strategy and is supported by consultant reports demonstrating the suitability for future development.</p> <p>Further, Objective 14 <i>Plan for diverse, affordable, resilient and inclusive housing</i> notes that the household composition is changing, and more housing diversity and choice is required. This Planning Proposal seeks to provide a significant amount of housing diversity and choice through the implementation of new minimum subdivision lot sizes. Specifically, the proposal seeks to provide smaller lot sizes within proximity of the local centre. This proposal seeks to provide a range of lot sizes and dwelling types which would</p>

		contribute positively to the dwelling diversity and housing choice in the Forbes LGA.
4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	YES	As noted above, the subject Site has been identified within the Forbes Housing Strategy 2021-2041 for land to be rezoned for residential purposes. The proposal is consistent with an endorsed strategy. A review of the LSPS and Forbes Housing Strategy is provided at Section 3.0 of this report.
5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	YES	The proposal's consistency with relevant State and Regional studies is demonstrated in Section 3.1 of this report. The proposal is consistent with following strategies: <ul style="list-style-type: none"> <li>• Housing 2041</li> <li>• Regional Housing Taskforce</li> <li>• Central West and Orana Regional Plan 2041</li> </ul>
6. Is the planning proposal consistent with applicable SEPPs?	YES	Consistency with the relevant State Environmental Planning Policies (SEPPs) is demonstrated in Section 3.2 of this report. In summary, the proposal is considered consistent with the <i>State Environmental Planning Policy (Hazards and Resilience) 2021</i> as a Preliminary Site Investigation for Contamination on identified isolated potential AECs. As such, a Detailed Site Investigations will be provided for these isolated potential AECs as part of any future Development Application to comply with Clause 4.6. Further, the preliminary BDAR has assessed the proposal against the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> and considers the proposal consistent noting that there are no Koala Management Plans applicable to the Forbes LGA. It is also noted that no Koala's have been recorded within 10km of the Site.  Notwithstanding the above, table 9 reviews consistency with each of the remaining SEPPs.
7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?	YES	Please refer to the table 8 for the proposal's consistency with the Section 9.1 Ministerial Directions.
<b>Section C – environmental, social and economic impact</b>		
8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	YES	A preliminary BDAR has been prepared to support this Planning Proposal. This preliminary BDAR notes that the proposal is unlikely to impact critical habitat or threatened species, population or ecological communities, or their habitats. Given the subject Site's previous agricultural use, it is largely void of significant vegetation except for a portion along the northern boundary. The scheme proposes to preserve most of the vegetation located within this part of the land and as such, is supported by the project ecologist.
9. Are there any other likely environmental	YES	This Planning Proposal has reviewed potential environmental impacts on the Site which have been

effects of the planning proposal and how are they proposed to be managed?		summarised in Section 5.0 of this report. The proposal is considered void of any significant environmental impacts that would preclude the development of the concept masterplan on the subject Site.
10. Has the planning proposal adequately addressed any social and economic effects?	YES	A Social and Economic Impact Assessment has been prepared by Hill PDA and is attached at Appendix 10. The Social and Economic impacts are discussed in Section 5.0 of this report. Significant investment into underutilised land and the creation of more homes is considered a significant social and economic benefit to the Forbes LGA.
<b>Section D – Infrastructure (Local, State and Commonwealth)</b>		
11. Is there adequate public infrastructure for the planning proposal?	YES	A Servicing and Infrastructure Review has been prepared by GHD and is provided in Appendix 7. Essentially, the review identifies that the initial stages could be serviced by existing infrastructure in the short to medium term and the later stages would be serviced by planned infrastructure identified for North Forbes and outlined the Forbes Housing Strategy.
<b>Section E – State and Commonwealth Interests</b>		
12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	YES	<p>We have undertaken Pre-Planning Proposal meeting with the Department of Planning who is generally supportive of the Planning Proposal noting its consistency with the Forbes Housing Strategy.</p> <p>Further, we have sent consultation letters to following organisations to provide them with an opportunity to provide early input into the scheme:</p> <ul style="list-style-type: none"> <li>• APA Group;</li> <li>• Biodiversity Conservation Division; and</li> <li>• Local Land Services.</li> </ul> <p>These organisations were chosen in consultation with Council, as they have infrastructure within proximity of the subject Site and/or are considered important referral authorities for this proposal. At the time of writing this letter only Local Land Services has responded, and we are meeting with on 4 October 2023.</p>

This report demonstrates the subject Site's consistency with the relevant strategic planning documentation. Further, this report establishes site-specific merit noting that it has been identified for future residential development and is relatively void of any site-specific environmental planning constraints.

Consistency with the Section 9.1 Ministerial Directions is shown in the table below.

Table 8. Consistency with the Local Planning Directions

Ministerial Direction	Applies	Consistency	Planning Proposal Response
<b>Focus area 1: Planning Systems</b>			
1.1 Implementation of Regional Plans	YES	YES	As demonstrated in Section 3.1, the proposal is consistent with the Central West and Orana Regional Plan 2041.
1.2 Development of Aboriginal Land Council Land	NO	N/A	The land is not owned by the Aboriginal Land Council.

1.3 Approval and Referral Requirements	YES	YES	This Planning Proposal has sought to address all relevant matters to facilitate the efficient and appropriate assessment of the development.
1.4 Site Specific Provisions	YES	YES	The proposal has sought to utilise existing land use zoning under the FLEP 2013 that would facilitate the proposed concept masterplan.
<b>Focus area 1: Planning Systems – Place Based</b>			
1.5 Parramatta Road Corridor Urban Transformation Strategy	NO	N/A	Not Applicable.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NO	N/A	Not Applicable.
1.7 Implementation of Greater Parramatta Priority Growth Area Land Use and Infrastructure Implementation Plan	NO	N/A	Not Applicable.
1.8 Implementation of Wilton Priority Growth Area Land Use and Infrastructure Implementation Plan	NO	N/A	Not Applicable.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	N/A	Not Applicable.
1.10 Implementation of Western Sydney Aerotropolis Plan	NO	N/A	Not Applicable.
1.11 Implementation of Bayside West Precincts 2036 Plan	NO	N/A	Not Applicable.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	NO	N/A	Not Applicable.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	NO	N/A	Not Applicable.
1.14 Implementation of Greater Macarthur 2040	NO	N/A	Not Applicable.
1.15 Implementation of Pyrmont Peninsula Place Strategy	NO	N/A	Not Applicable.
1.16 North West Rail Link Corridor Strategy	NO	N/A	Not Applicable.

1.17 Implementation of the Bays West Place Strategy	NO	N/A	Not Applicable.
1.18 Implementation of the Macquarie Park Innovation Precinct	NO	N/A	Not Applicable.
1.19 Implementation of the Westmead Place Strategy	NO	N/A	Not Applicable.
1.20 Implementation of the Camelia-Rosehill Place Strategy	NO	N/A	Not Applicable.
1.21 Implementation of South West Growth Area Structure Plan	NO	N/A	Not Applicable.
1.22 Implementation of the Cherrybrook Place Strategy.	NO	N/A	Not Applicable.
<b>Focus area 2: Design and Place</b>			
<b>Focus area 3: Biodiversity and Conservation</b>			
3.1 Conservation Zones	YES	YES	The preliminary BDAR has been prepared and recommended a conservation zoning to protect the significant vegetation located on the northern boundary of the subject Site. As such, the conservation zoning has been utilised to protect and conserve environmentally sensitive areas.
3.2 Heritage Conservation	YES	YES	The proposal is not identified as a heritage item nor is it located within a heritage conservation area. An Aboriginal Heritage Constraints Assessment has been prepared by Biosis and is attached at Appendix 9. The Assessment noted no further assessment was warranted subject to the implementation of an unexpected finds protocol.
3.3 Sydney Drinking Water Catchments	NO	N/A	Forbes Shire Council is not identified as comprising Sydney Drinking Water Catchment.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	NO	N/A	The Site is not located within Ballina, Byron, Kyogle, Lismore, and Tweed LGAs.
3.5 Recreation Vehicle Areas	NO	N/A	The proposal does not include land to be developed for the purpose of a recreation vehicle area.
3.6 Strategic Conservation Planning	NO	N/A	The preliminary BDAR does not identify the Site as being a Strategic Conservation Area.
3.7 Public Bushland	NO	N/A	Forbes Shire Council is not identified as being prescribed LGA for this Direction.
3.8 Willandra Lakes Region	NO	N/A	The land is not identified as Willandra Lakes World Heritage Property on the World Heritage Map.
3.9 Sydney Harbour Foreshores and Waterways Area	NO	N/A	The subject Site is not located within the Sydney Harbour Foreshores and Waterways area.
3.10 Water Catchment Protection	NO	N/A	The subject Site is not identified as being located within proximity of any regulated catchments.
<b>Focus area 4: Resilience and Hazards</b>			



4.1 Flooding	YES	YES	The subject Site is not identified as being located within a flood planning area on Council's FLEP 2013 mapping. Nonetheless, a Flooding and Drainage Report has been prepared to support this Planning Proposal. The Flooding and Drainage Report has been prepared by GHD and is attached at Appendix 6. The Report identifies shallow flooding on the subject Site and provides recommendations to ensure that there are no downstream impacts as part of the rezoning. These will continue to be reviewed and implemented throughout the detailed design phase of the project.
4.2 Coastal Management	NO	N/A	The subject Site is not located within a coastal wetland, littoral rainforest, coastal vulnerability, coastal use, and coastal environment areas.
4.3 Planning for Bushfire Protection	NO	N/A	The land is not identified as being Bushfire Prone Land nor is it located within proximity of land identified as bushfire prone land.
4.4 Remediation of Contaminated Land	YES	YES	The proposal seeks to rezone to a residential use. The previous use of the land as an agricultural use which is listed for a purpose listed in Table 1 of the contaminated land planning guidelines. A PSI has been prepared by Sydney Environmental to support this Planning Proposal and is attached at Appendix 3. The PSI concluded that a targeted Detailed Site Investigations should be prepared for the portions of the Site identified as Potential Areas of Environmental Concern as part any future Development Application in accordance with the requirements of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> . Given the isolated Potential Areas of Concern, the PSI is considered appropriate to support this Planning Proposal. The preparation of a PSI is consistent with Direction 4.4(2).
4.5 Acid Sulfate Soils	NO	N/A	A review of the Environment NSW 'eSpade V2.2' web application indicates that the site lies in an area mapped as 'No Known Occurrence' with respect to acid sulfate soils. This infers that land management activities are unlikely to be affected by acid sulfate soil materials.
4.6 Mine Subsidence and Unstable Land	NO	N/A	The subject Site is not identified as being Mine Subsidence or Unstable Land.
<b>Focus area 5: Transport and Infrastructure</b>			
5.1 Integrated Land Use and Transport	YES	YES	The proposal has given due consideration to improving transport choice and providing services and facilities to meet the day-to-day needs of the residents. In particular, the proposal provides for a green corridor through the centre of the development to promote and encourage sustainable forms of active transport and a small neighbourhood centre has been strategically placed to be walking distance from almost all the dwellings within the masterplan. Additionally, the proposed neighbourhood centre will be capable of servicing the wider North Forbes area. In the wider context the proposal has been designed to integrate with Council's public pedestrian network.

			<p>Furthermore, the proposed street network and traffic generation has been reviewed by Crossley Transport Planning and the final SIDRA results indicated that the key intersections will operate efficiently during peak periods post-development. It must be noted that the road reserves and street network in the masterplan will be subject to further design as part of a site-specific DCP and ongoing discussions with Council.</p> <p>Given the promotion of active transport networks and overall connectivity to centres, the proposal is considered to align with the aims, objectives, and principles <i>Improving Transport Choice – Guidelines for planning and development</i> and <i>The Right Place for Business and Services – Planning Policy</i>.</p>
5.2 Reserving Land for Public Purposes	YES	YES	The proposed RE1 Public Recreation and C3 Environmental Management zoned land is proposed to be land for public purposes. This Planning Proposal seeks approval from Council and the Planning Secretary.
5.3 Development Near Regulated Airports and Defence Airfields	NO	N/A	The subject Site is approximately 10km from Forbes Aerodrome and is not considered to be significantly impacted by the Aerodrome.
5.4 Shooting Ranges	NO	N/A	The proposal is not adjoining an existing shooting range.
<b>Focus area 6: Housing</b>			
6.1 Residential Zones	YES	YES	<p>The proposal comprises the rezoning of the subject land for significant residential development. The proposal is considered consistent with Direction 6.1 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal would provide a masterplan that would broaden the building types, lot sizes and location in the housing market contributing to housing diversity and choice.</li> <li>• Make use of the existing infrastructure in the short to medium term with the existing planning infrastructure catering for the final stages of the masterplan.</li> <li>• The proposal would not result in the consumption of land on the urban fringe noting that the land is surrounded by urban zoning comprising R1 General Residential and R5 Large Lot Residential. As such, the proposal is considered the logical and orderly development of land through rezoning of the Site to compliment its surrounding context.</li> <li>• North Forbes (including the subject Site) has been strategically identified for future residential development in the Forbes Housing Strategy.</li> </ul>

			As such, the proposal is considered consistent with Direction 6.1.
6.2 Caravan Parks and Manufactured Homes Estates	YES	YES	The proposal does not contemplate a manufactured housing estate; however, caravan parks are permitted with consent as an innominate use in the R1 General Residential zone pursuant to the FLEP 2013.
<b>Focus area 7: Industry and Employment</b>			
7.1 Business and Industrial Zones	YES	YES	The proposal does not result in the reduction of existing employment zones within the Forbes LGA. The proposal would increase commercial floor space through the introduction of a E1 Local Centre which in turn would contribute positively to the local economy through ongoing employment.
7.2 Reduction in non-hosted short term rental accommodation period	NO	N/A	The proposal is not located within Byron Shire Council.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A	The subject Site is not located within proximity of the Pacific Hwy or located within a North Coast Council area (Port Stephens and Tweed Shire inclusive).
<b>Focus area 8: Resources and Energy</b>			
8.1 Mining, Petroleum Production and Extractive Industries	NO	N/A	This Planning Proposal has not sought to restrict mining, petroleum and/or extractive industries.
<b>Focus area 9: Primary Production</b>			
9.1 Rural Zones	YES	NO	Where a Planning Proposal seeks the rezoning of land from a rural zone to residential and employment zoned land is technically inconsistent with Direction 9.1. A review of the consistency matters notes that a Planning Proposal may be inconsistent with the terms of this direction where justified by a study prepared in support of the planning proposal which considers the objectives of this direction. The Forbes Housing Strategy has been prepared and identifies the Site for residential purposes. The Forbes Housing Strategy has considered the rural zoning of the land noting that it will become increasingly constrained as the town grows. Further, it notes that the existing agricultural use of the land is largely constrained given its proximity to existing residential zoned land surrounding the Site. As such, the rezoning of constrained and fragmented rural land accords with the Forbes Housing Strategy which has considered the objectives of this direction. Notwithstanding the above, the rezoning of existing agricultural land that is surrounded by existing urban residential zoning is considered of minor significance and warrants support in this instance.
9.2 Rural Lands	YES	NO	The Planning Proposal is considered inconsistent with Direction 9.2 as it results in the rezoning of rural land to residential land. It must be acknowledged that the existing rural zoned land is fragmented and largely constrained by the surrounding residential land uses. Specifically, the subject Site is predominately surrounded by R1 General Residential and R5 Large Lot

			<p>Residential zoned land which constrains the ongoing agricultural use of the land. As the township continues to grow this will be further exacerbated.</p> <p>Nonetheless, the proposed masterplan has attempted to preserve features of the existing landform. A conservation zone has been proposed in the northern portion of the Site to protect significant vegetation. A green spine has been proposed through the centre of the Site which would seek to respect the existing lower portions of land through the provision of a chain of ponds style development.</p> <p>As such, the rezoning of the existing rural zoned land to a residential zoning is considered orderly and logical development of land and warrants support in this instance.</p>
9.3 Oyster Aquaculture	NO	N/A	The subject Site is not located within a 'Priority Oyster Aquaculture Area'.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A	The subject Site is not located within the Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley, and Tweed Shire LGAs.

The table below outlines the proposals consistency with the relevant State Environmental Planning Policies.

*Table 9. Consistency with the relevant State Environmental Planning Policies*

State Environmental Planning Policy	Applies	Planning Proposal Response
State Environmental Planning Policy (Primary Production) 2021	YES	The proposal seeks to change of use of the RU1 Primary Production zoned land to facilitate a predominately residential masterplan resulting in the loss of RU1 Primary Production zoned land. The concept masterplan is consistent with the LSPS and the Housing Strategy which identified this land for future residential development. It must be noted that the land neighbouring the Site has recently been rezoned and/or has been identified in the Forbes Housing Strategy as land suitable for future residential development. As such, we anticipate that land in the vicinity of the Site will eventually be urban land not suitable for agricultural use.
State Environmental Planning Policy (Resources and Energy) 2021	N/A	The proposal does not apply to mining, petroleum production, extractive industries and/or coal seam gas.
State Environmental Planning Policy (Resilience and Hazards) 2021	YES	This has been addressed in Section 3.2.4 of the report and a PSI has been provided at Appendix 3.
State Environmental Planning Policy (Industry and Employment) 2021	N/A	This Planning Proposal does not relate to the Western Sydney Employment Area and does not seek approval for advertising or signage.
State Environmental Planning Policy (Transport and Infrastructure) 2021	YES	This Planning Proposal relates to the rezoning of land of for predominately residential purposes. The proposal is greater than 300 dwellings and may be considered traffic generating development. As such, a Transport Impact Assessment has reviewed the ultimate development scenario and notes that the road network would not be detrimentally affected because of the

		<p>proposed concept masterplan. The Transport Impact Assessment is provided at Appendix 8 and further discussion is provided in Section 5.0 of this report.</p> <p>Further, the subject Site is located with proximity of gas and electricity infrastructure. These matters would be addressed as part of any future development application, and we have sought to consult with APA Group and Essential Energy from the outset of the project.</p> <p>The proposal would not impact the operation of the SEPP.</p>
State Environmental Planning Policy (Biodiversity and Conservation) 2021	YES	<p>Forbesview Pty Ltd has engaged Travers Bushfire and Ecology to prepare a preliminary BDAR which is provided at Appendix 5 and is discussed in Section 5.0 of this report.</p> <p>The proposal has sought to avoid and preserve significant vegetation on the northern portion of the Site. This approach of avoidance and preservation has been supported by the Ecologist.</p> <p>The proposal would not impact the operation of the SEPP.</p>
State Environmental Planning Policy (Planning Systems) 2021	YES	The proposal would not impact the operation of the SEPP.
State Environmental Planning Policy (Housing) 2021	YES	The proposal would not impact the operation of the SEPP.
State Environmental Planning Policy (Exempt and Comply Development Codes) 2008	YES	The proposal would not impact the operation of the SEPP.

This proposal is considered consistent with the Section 9.1 Local Planning Directions and State Environmental Planning Policies relating to the land.

## PART 4 - Maps

Proposed FLEP 2013 mapping consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps will be prepared in consultation with Council and will be provided prior to Gateway Determination.

## PART 5 - Community consultation

Schedule 1 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway Determination. It is anticipated that the Planning Proposal would be required to be publicly exhibited for 20 working days in accordance with the requirements of the DPE 'Local Environmental Plan Making Guidelines'. It is anticipated that the public exhibition would be notified by way of:

- A public notice in the newspaper(s).
- A notice on the Forbes Shire Council website.
- Written correspondence to adjoining and surrounding landowners.

The Gateway Determination, Planning Proposal and specialist studies would be publicly exhibited on the website and any other locations considered appropriate to provide interested parties with an opportunity to view the submitted documentation.

PART 6 - Project timeline

An indicative Planning Proposal timeline is provided in the table below.

Table 10. Indicative project timeline

Action	Anticipated Timeframe
Council’s Meeting	October 2023
Gateway Determination	November 2023
Public Exhibition	February 2024
Assessment and Consideration of Submissions	April 2024
Report to Council	May 2024
Referral to Parliamentary Council for Drafting	June 2024
Submission to Department of Planning and Environment for Finalisation	July 2024
Submission to Parliamentary Council for Publication	August 2024

Please note that this is an indicative timeframe and will be subject to change as the Planning Proposal progresses.

## 5.0 Environmental Assessment

### 5.1 Compatibility with Surrounding Land Uses

The Site in question, spanning approximately 92.38 hectares, is situated around 3.6km from Forbes Town Centre and enjoys significant accessibility benefits owing to its proximity to major regional road networks, namely Bogan Way and Newell Highway. Presently, it encompasses a single dwelling house alongside agricultural land and is defined by boundaries along School Road, Farnell Street, Morton Street, and Edward Street. Its location also ensures it's within a reasonable distance from other significant town and city centres like Parkes, Orange, and Dubbo.

In the broader context of its zoning and strategic potential for residential development, the Site is nestled within the jurisdiction of the Forbes LGA. Directly bordering the Site are areas designated as R1 General Residential, R5 Large Lot Residential, and RU1 Primary Production zones, which indicates a diverse surrounding context comprising mainly residential and rural zones. This positioning neighbouring existing residential zones, combined with its closeness to Forbes Town Centre and major highways, underscores its strategic importance. Furthermore, the Forbes Housing Strategy highlights this potential by identifying the surrounding land for future residential expansion, recommending the rezoning of North Forbes. This alignment with the housing strategy makes the Site a potential focal point for residential development, considering its surrounding zones are either already residentially designated or earmarked for future residential projects.

### 5.2 Flood and Drainage

A Flooding and Drainage Report has been prepared by GHD and is provided at Appendix 6.

The Flooding and Drainage Report reviewed the Forbes Flood Study Review by Lyall and Associates in May 2020 which indicated that the Site is not inundated during the Probable Maximum Flood. This conclusion was reinforced by a 2001 study commissioned by the Forbes Shire Council, which identified areas, including the Site, as potential flood risks. Further site investigations were conducted by Nigel Bosworth of GHD on 15 June 2023. These investigations highlighted that the site has uniform agricultural and vegetated areas, no defined flow paths, and issues with various roads and culverts. Additionally, topographic data was acquired from the NSW Department of Land and Property Information and converted for TUFLOW modelling, which also incorporated survey data from Zenith Construction Surveying.

Rainfall data from the Australian Rainfall and Runoff 2016, provided by the Bureau of Meteorology, was crucial. Due to the absence of detailed rainfall data from 1952, the study employed the 1% AEP rainfall event as a reference. In terms of infrastructure, aerial photography was used to model buildings and other obstructions. Given the context, it was decided to exclude buildings from this modelling investigation. The hydraulic model employed a uniform Manning's roughness (n) of 0.05, and downstream extents were strategically placed based on the site's boundary.

The Indicative Layout Plan provides vital insights. Developed lands are strategically located above the 1% AEP flood level, with stormwater treatment basins and median swales embedded into the design. Importantly, the road layout has been devised with flood evacuation in mind. Key constraints resulting from flooding considerations ensure that development is limited to areas outside of the 1% AEP flood risk. Additionally, the water cycle management design incorporates innovative solutions, including rainwater tanks, street trees, permeable features, and three water quality basins intended for stormwater reuse.

In conclusion, the concept masterplan is meticulously crafted to address flooding, drainage, and water quality concerns. This plan, developed by Hatch Roberts Day, is positioned to meet the requirements set by the Forbes Shire Council and other stakeholders. The concept masterplan has been designed to cater for all flood and drainage on Site and would not result in impacts for properties downstream. Given the extensive



technical investigations and modelling outcomes, the subdivision is well-prepared for consideration and endorsement by the relevant authorities.

## 5.3 Contamination

Sydney Environmental Group Pty Ltd (SE) was retained by Forbesview Pty Ltd to perform a Preliminary Site Investigation for the parcel of land situated on School Road, Forbes NSW. The PSI has been provided in Appendix 3.

This expansive agricultural property also hosts a few residential structures. There's a proposal in place to demolish existing structures, followed by subdivision for the construction of about 745 residences, commercial areas, parkland, and requisite infrastructure, all in compliance with the Forbes Housing Strategy 2021-2024. A vital aspect of this project was to ascertain any land contamination that might influence the property's suitability for its intended future residential masterplan.

To achieve the project's objectives, SE executed a systematic approach. They began with a thorough desktop review to collate vital data about the property. This was followed by a physical walkover of the site to grasp the current conditions. The culmination of these activities was a comprehensive data assessment and subsequent report compilation.

From the data, SE identified six specific potential areas of environmental concern (PAECs) for the site. These areas, though present, are limited in scope and deemed to be of low risk, mirroring the property's usage for large-scale horticulture. The subject Site isn't designated as a high-risk zone for Naturally Occurring Asbestos (NOA) according to the NSW Government SEED NOA database. However, neighbouring areas do show a low to medium potential for NOA. SE's focused investigations found no evidence of NOA in the uppermost layer of the soil. Based on gathered data, SE determined the land, in terms of contamination, is fundamentally suitable for the proposed development and sufficient. SE has confirmed that the PSI is suitable for the Planning Proposal given that the PAECs are isolated. A specific Stage 2 Detailed Site Investigation (DSI) is suggested during the development application phase for the PAECs.

To encapsulate, SE recommends several steps moving forward: a targeted DSI for pinpointing potential contamination within the AECs; pre-assessments before any dewatering or demolition activities; strict adherence to the NSW EPA Waste Classification Guidelines (2014) for any soil removed and disposed of off-site; and meticulous record-keeping for any off-site material transportation and disposal. These recommendations would be adhered to as part of development application and construction certificate stage.

## 5.4 Ecology

Travers bushfire & Ecology (TBE) was commissioned to produce a Biodiversity Development Assessment Report (BDAR) for a proposed residential masterplan at School Road, Forbes. This study covered an extensive area known as the 'study area', and the section directly impacted by the development is termed the 'development footprint'. It's worth noting that while the entire seasonal survey isn't completed, the presence of specific species has been assumed for this assessment.

Various legislative evaluations were carried out in adherence to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Fisheries Management Act 1994* (FM Act), among others. The findings revealed no threatened fauna or flora species within the study area as per the EPBC Act. Additionally, the FM Act confirmed no habitat for threatened marine or aquatic species. However, the development footprint did have the Grey-crowned Babbler species and the Inland Grey Box Woodland community.

An ecological survey, compliant with the Biodiversity Assessment Methodology (BAM) and other legislation, was undertaken. This thorough survey confirmed the presence of the Grey-crowned Babbler and the threatened ecological community of Grey Box Grassy Woodlands of South-Eastern Australia within the development footprint.

Given the ecological nuances of the area, an environmental conservation zone has been proposed to avoid impacts on the existing vegetation along the northern boundary of the Site. The primary conservation approach is to strategically design the concept masterplan in areas with low biodiversity, primarily focusing on previously cleared land.

For further ecological protection, a series of mitigation measures have been proposed. These range from landscaping predominantly with native species, ensuring the restoration and protection of the Grey Box Grassy Woodlands, implementing stringent sediment and erosion control processes, and setting up appropriate fencing to protect conservation zones. Ecological supervision will be integral during construction, ensuring the welfare of the fauna and their habitats. Protocols around the management of hollow-bearing trees, dam dewatering, and pest control will be strictly adhered to, ensuring minimal disruption to the ecosystem.

The preliminary BDAR has also reviewed the likely offsets incurred by the proposed masterplan, however, this will continue to be developed with the inclusion of targeted species studies. The proposed concept masterplan is considered to preserve and enhance the existing ecological features through the strategic location of the conservation zone.

## 5.5 Land Reserved for Acquisition

Specific portions of land, marked for public recreation and conservation, have been designated as reserved for acquisition. The Council is anticipated to acquire this land at an appropriate rate. The acquisition process is expected to require a Voluntary Planning Agreement/preparation of an Infrastructure and Contributions Plan. This strategy is pivotal for the protection of existing vegetation and to ensure the availability of recreational areas for the benefit of future residents.

## 5.6 Topography

Zenith Construction Surveying has prepared a Survey Plan for the subject Site which is attached at Appendix 1. The terrain of the site is predominantly flat, except for a hill situated in the northwestern corner. This hill represents the site's highest elevation at RL 276.61 AHD. In contrast, the site's lowest elevation can be found at the northeastern corner, marked at RL250.88 along the Farnell St frontage. Given the topographical features, the land appears to be suitable for a residential masterplan.

## 5.7 Traffic

A Transport Impact Assessment has been prepared by Crossley Transport Planning and is attached at Appendix 8.

Crossley Transport Planning conducted an evaluation of traffic and transport concerns for the proposed development at School Road, Forbes. This development is set to introduce approximately 745 residential units and other complementary land uses. Findings from the assessment reveal that vehicle access and servicing are satisfactory, and the development will not negatively impact traffic flow. Key intersections close to the site, examined using the SIDRA traffic model, will experience minimal additional traffic due to the proposed concept masterplan. On 23 June 2023, traffic counts were executed at three primary intersections, specifically Johnson Street/Barton Street/Farnell Street, The Bogan Way/Edward Street, and Farnell Street/Wyndham Avenue, in collaboration with the Forbes Shire Council.

The SIDRA INTERSECTION 9.1 software was used for the intersection assessments, focusing on parameters like Level of Service, Average Delay, and Degree of Saturation. Vehicular access to the site will be primarily via Edwards Street and Farnell Street, with Morton Street providing initial access. The internal road layout will consist of a mix of local and collector roads. The development is planned in three phases, culminating in

2035 with the full realization of 745 dwellings, a supermarket, shops, and other facilities. Local road designs are set to cater to on-street parking and facilitate the council's refuse collection service. Traffic generation assumptions were based on RTA (RMS) guidelines. Specific trip distribution assumptions were made according to land use type. The final SIDRA results indicate that the key intersections will operate efficiently during peak periods post-development.

It must be noted that the road reserves and network will be subject to further design as part of a site-specific DCP and ongoing discussions with Council.

Given the outcome of the SIDRA modelling and noting that the development would not have a detrimental impact on the operation of the road network, the proposal is considered to warrant support in relation to traffic.

## 5.8 Services Infrastructure

An Infrastructure and Servicing Review has been prepared by GHD and is provided in Appendix 7.

This report reviews the developments capability to integrate seamlessly with existing infrastructure and assess any future upgrades. The engineering evaluations carried out have yielded positive insights, indicating that the land can be adequately serviced, syncing with the project's developmental stages.

Electricity for Forbes is channelled through the "Forbes Town" Zone Substation, a property managed by Essential Energy. According to the Essential Energy Distribution Annual Planning Report (DAPR) of 2021, this substation possesses the capacity to cater to the new concept masterplan. However, to bolster this supply, there will be a need to incorporate an additional 11kV feeder. Alongside this, approximately six pad-mount substations are projected to be essential for dispersing low voltage power to various lots and aiding in street illumination.

In the domain of telecommunications, NBN Co is the most prominent provider in Forbes. While most urban sectors are equipped with "fibre-to-the-node" technology, the peripheries are connected through fixed wireless systems. Marking a significant upgrade for the Forbesview masterplan, all its lots are slated to be equipped with the advanced "fibre-to-the-premises" (FTTP) services. This enhancement will require the installation of a new underground pit and duct system, which will connect to the primary NBN exchange nestled within the confines of Forbes.

The current state of water and sewer provisions shows that lots situated to the south of Cypress Lane are connected to the existing water infrastructure, benefiting from the DN150 pipe at Belah Street. There are plans underway to expand the water and sewer infrastructure by 2025-2026 to accommodate the entire subdivision area. Detailed specifics of these enhancements will emerge as the Council finalises the water and sewer network models.

In conclusion, the proposal aligns well with the existing and future infrastructure plans in the Forbes LGA.

## 5.9 Social and Economic

This Social and Economic Impact Assessment (SEIA) report was commissioned for Forbesview Pty Ltd in connection to a planning proposal of a 92ha Site northwest of Forbes' centre in NSW's Central West region. The SEIA is provided at Appendix 10.

The proposal aims to develop approximately 745 dwellings which would accommodate an estimated 1,560 residents. Additionally, the development includes provisions for retail, commercial spaces, and around ten hectares of open space, conservation areas, play and recreation areas, and active transport routes. The SEIA evaluated the potential housing, social infrastructure, and economic effects, aiming to highlight benefits and suggest measures to mitigate any negative impacts. Background analysis revealed that both the subject Site

and Forbes' north have been previously identified for residential development in the strategic planning documentation including; LSPS and Forbes Housing Strategy. Forbes' demographic indicates a need for varied housing options due to its age structure and the projected population growth. Moreover, an assessment of the local community showed strong local employment sectors, lower unemployment rates than the state's average, and specific areas of socio-economic disadvantage which would be improved through significant investment in underutilised land.

The report's findings highlighted that Forbes currently has sufficient social infrastructure, especially concerning open spaces and educational facilities. Despite its relatively small population, Forbes is well-equipped with a library, community centre, TAFE NSW campus, and a hospital. The concept masterplan will largely make use of the existing infrastructure, while the addition of recreational spaces will benefit both current and future residents.

Economically, the proposed development would support 5,161 job years during construction and 122 full-time jobs once operational, contributing positively to the local economy. Furthermore, a thorough social impact assessment concluded that while the proposal might result in some typical construction-related disruptions, like noise and traffic, these can be largely mitigated. In contrast, the potential social benefits, such as improved access to amenities and increased employment opportunities, are significant.

In conclusion, the proposal would result in a social and economic benefit, especially considering Forbes' ongoing need for diverse housing options. The proposed development aligns with the Council's vision for the region, promising a net benefit to the Forbes community on both social and economic fronts.

## 5.10 Heritage

The subject Site is not identified as a heritage item nor is it located within a heritage conservation area. The closest heritage item is *Forbes General Cemetery (including Shaw / Bodell Kurrajong)* which is a local heritage item and contains *The Ben Hall Sites - Grave of Ben Hall* which is a state heritage item. These heritage items are located approximately 700m south of the Site.

An Aboriginal Heritage Constraints Assessment has been prepared by Biosis and is provided at Appendix 9. The archaeological investigation encompassed the entire study area, revealing its dominant Calarie Sandstone geology, with areas potentially useful as grinding and art surfaces. The region, while rich in flora and fauna, has hydrological characteristics indicating an absence of enduring water sources, historically reducing its suitability for prolonged occupation. The flat topography doesn't offer significant vantage points of the surroundings. Historical aerial imagery highlights agricultural activities since 1965, causing extensive ground alteration and lessening the probability of unspoiled archaeological findings. No new Aboriginal sites or objects were discovered in the recent investigation conducted on 25 July 2023.

Given the findings, it's determined that the study area possesses minimal archaeological value, due to previous agricultural interferences and its landscape. Consequently, no additional archaeological assessments are deemed necessary, and work can advance with caution. Nonetheless, should any unexpected Aboriginal artifacts or objects be uncovered during work, immediate cessation of activities is required, and a qualified archaeologist should evaluate the discovery. In the event of encountering potential Aboriginal ancestral remains, operations must halt and the relevant authorities, including the NSW Police and Heritage NSW, must be notified.

## 5.11 Geotechnical

A Geotechnical Report has been prepared by Core Geotech and can be found in Appendix 4. Fieldwork was conducted over two days, the 29th and 30th of June 2023. During this time, 25 test pits were excavated using a track-mounted excavator. Several tests were undertaken, including Dynamic Cone Penetration and Pocket Penetrometer tests, which helped in gauging the soil's relative density.

Subsequently, samples were gathered and dispatched to NATA Accredited laboratories for detailed analysis. A variety of tests were performed on these samples, including Particle Size Distribution, Atterberg Limit, and Field Moisture Content tests, among others.

The principal findings from the geotechnical investigation were that the site is primarily made up of firm clay/sandy gravelly clay soils with an underlying layer of sandstone rock. There were no indicators of slope instability, suggesting that the risk of hillside instability for the proposed development is low. Aggressivity tests on the soil showed it to be non-aggressive towards both steel and concrete piles.

In terms of site classification, the area was identified as a class P site due to abnormal moisture conditions. It's crucial for the designing engineer to note that most natural soils on this site gravitate towards a Class M (moderately reactive) classification in zones of natural medium plasticity clays and shallow rock. Alternatively, they can be classified as Class H1 and H2 (highly reactive) in regions with deep high plasticity natural clays. Anticipated characteristic surface movement under standard moisture conditions is estimated to be between 40mm to 75mm.

Additional site observations revealed the presence of three dams, which must be decommissioned before the commencement of any earthworks. Groundwater issues were not foreseen to be a challenge during excavation processes.

The report also included a set of recommendations. These covered various aspects of construction, such as specific guidelines for excavation characteristics, subgrade preparation, the use of engineered fill, edge compaction techniques, and procedures for trench backfilling. A highlight was the need for retaining structures for excavations going beyond a depth of 1.5m, which should be designed following the AS 4678-2002 standards. For projects necessitating high-level footings, the report advised an allowable bearing pressure of 100kPa. In situations where pile foundations are considered, bored piles were proposed as a suitable choice. The report concluded with a discussion on pavement design parameters, driven by the findings from five CBR samples. This indicated potential requirements for subgrade stabilization in specific areas of the site.

## 5.12 Bushfire

The Site is not identified as being located within the bushfire prone land. As such, no further investigation considered necessary.

## 6.0 Conclusion

The proposed amendments to the FLEP 2013 to rezone the Site to facilitate the development of the concept masterplan. The desired development outcome for the Site is consistent with the LSPS and Forbes Housing Strategy. In summary, the proposed FLEP 2013 amendments are considered appropriate for the following reasons:

- The proposed rezoning from RU1 Primary Production, RE1 Public Recreation and R5 Large Lot Residential to R1 General Residential, E1 Local Centre, RE1 Public Recreation and E3 Environmental Management would facilitate the development of a high quality masterplan in the Forbes LGA.
- The amendments to the minimum subdivision lot size, height of buildings and land reserved for acquisition would also assist in ensuring the viability of the project.
- The Forbes Housing Strategy has identified the subject Site for future rezoning and represents significant fiscal investment into underutilised land identified for future residential development. The rezoning of this land would enable private investment within Forbes which will assist in taking the pressure of Council who are presently trying to cater for the increasing housing demand in the LGA and the Central West region through the rezoning and subdivision of their own sites.
- The proposal would provide for a diverse range of lots and housing typologies at varying price points to cater for an array demographics. More specifically, the concept masterplan highlights areas for small lots within proximity to the neighbourhood centre. Through the supply and diversity of new housing the proposal will provide greater housing choice and contribute to affordability.
- The neighbourhood centre would provide facilities to meet the day-to-day needs of the future residents whilst preserving the existing commercial hierarchy and not detracting from the Forbes Town Centre.
- Public recreation and conservation areas have been designed to provide enhanced amenity for future residents whilst also preserving important existing vegetation. This avoidance strategy has been supported by the project ecologist.
- No significant environmental planning constraints have been identified that would preclude development on the Site. Additionally, the proposal is considered to result in significant positive social and economic impacts for the Forbes LGA.

On balance, it is requested that the proposed amendment to the FLEP 2013 be favourably considered by Forbes Shire Council to allow the proposal to proceed to Gateway Determination by the Department of Planning and Environment.



Appendix 1 - Survey Plan

## Appendix 2 - Urban Design Report

## Appendix 3 - Preliminary Site Investigation

## Appendix 4 - Geotechnical Report

**Appendix 5 - Preliminary Biodiversity Development Assessment Report**

## Appendix 6 - Flooding and Drainage Report



## Appendix 7 - Servicing and Infrastructure Review

## Appendix 8 - Transport Impact Assessment

**Appendix 9 - Aboriginal Heritage Constraints Assessment**

## Appendix 10 - Social and Economic Impact Assessment



Allera Planning Pty Ltd  
Suite 2.01, 65 Hume Street, Crows Nest, NSW 2065