

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-45
DA Number	DA2020-87
LGA	Forbes Shire Council
Proposed Development	Subdivision
Street Address	Edward Street, Forbes 2871
Applicant/Owner	Forbes Shire Council
Date of DA lodgement	30 September 2020
Number of Submissions	3
Recommendation	Approved with Conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Council interest - \$27,623,712 Capital Investment Value
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Infrastructure) 2007;</i> • <i>State Environmental Planning Policy No.55- Remediation of Land;</i> • <i>State State Environmental Planning Policy No.44 Koala Habitat;</i> • <i>Forbes Local Environmental Plan 2013;</i> • <i>Forbes Development Control Plan 2013</i>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Proposed Conditions of Consent; • Submission Package; • Proposed Plans; • Transport for NSW Submission; • APA Submission; • Statement of Environmental Effects; • Traffic Impact Assessment; • Contamination Report
Report prepared by	Eliza Noakes – Town Planner
Report date	

Summary of s4.15 matters**Yes**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

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1. INTRODUCTION

The objective of this report is to provide the comprehensive consideration and assessment of the following Development Application including supporting documentation in accordance with the relevant matters to be considered as outlined under 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposal is for a 223 Lot Subdivision (DA2020-87) which is defined as *Regional Development Council Interest – Capital Investment Value excess \$5 Million*. The initial Capital Investment Value (CIV) of the proposed development is \$27 Million.

Application No: Development Application 2018/87

1.1 Executive Summary

Council is in receipt of a Development Application for a *Residential Subdivision* on Lot 11 in DP 1189962, Edward Street Forbes NSW. The proposal includes:

- 223 Residential Lots
 - 201 Lots being Torrens Title Subdivision
 - 22 Lots being Community Title Subdivision
- 1 proposed park/public recreation area
- 2 residual lots
- A number of new roads, streets and laneways.
- Associated civil works

It is proposed that the subdivision will be released in *stages*, which have been defined within the plans.

The development has been assessed against Section 4.15 of the *Environmental Planning and Assessment Act* and associated State Environmental Planning Policies, the *Forbes Local Environmental Plan 2013* and the *Forbes Development Control Plan 2013*.

The Development Application is recommended for approval subject to conditions.

1.1.1 Section 4.15 Assessment Summary

<i>The Likely Impacts of the Development</i>		<i>Relevant Proposed Condition</i>
<i>Context and Setting</i>	Some impact to the existing outlook of neighbours. However, land is zoned R1 General Residential and is in keeping within the zone. Therefore any impact is considered reasonable. Landscaping and Fencing conditions have been proposed in mitigate any impact.	Part 2, Condition 5 Part 5, Condition 6
<i>Access, Transport and Traffic</i>	The proposed road layout is satisfactory and is considered suitable. It has been conditioned that these are built to Council Standards. Footpaths will be required	Part 1, Condition 6 Part 2, Condition 1, 4, 5, 8, 12, 14, 15 Part 4, Condition 9, 11, 12, 13, 14, 15, 16

	<p>throughout the subdivision and a pedestrian link to the Township is required.</p> <p>The development has been assessed against the <i>Roads Act 1993</i> and the <i>State Environmental Planning Policy (Infrastructure) 2007</i> for all new connections to the Classified Road and Local Roads. Council's recommendation to the consent authority is that it complies with the requirements of the Infrastructure SEPP.</p> <p>Transport for NSW have issued Concurrence for proposed upgrades at The Bogan Way/Edward Street Intersection and provided "In principle support" for the new proposed access to the Bogan Way. It has been conditioned that a further 138 Approval be acquired prior to the release of the Subdivision Works Certificate Stage 5 with more details regarding this access.</p>	Part 5, Condition 1, 5, 6, 9, 10, 11, 12
Public Domain	Minimal impact.	Part 5, Condition 6
Utilities	It has been conditioned that each lot be connected to sewer, water and telecommunications prior to release of the Subdivision Certificate.	Part 5, Condition 8 (and other conditions relating to design etc)
Heritage	Minimal impact. No known heritage on the site.	NA
Other land resources	Minimal impact.	NA
Water	A detailed stormwater engineering plan is required prior to the Subdivision Works Certificate for each stage. Prior to Stage 1 an overall stormwater concept plan is required.	Part 2 Condition 4
Soils	A soil report has been prepared which found no contamination. Each new dwelling house will require a soil report.	Part 2, Condition 6
Air and microclimate	Minimal impact.	Part 4, Condition 7
Flora and Fauna	Minimal impact.	Part 2, Condition 5
Waste	Each lot will be part of Councils waste collection service.	NA
Energy	The subdivision has been designed to allow maximum solar access for each dwelling.	NA

Noise and Vibration	Minimal impact.	NA
Natural Hazards	Minimal impact.	NA
Technological Hazards	Minimal impact.	NA
Safety, Security and Crime Prevention	The subdivision has been designed in <i>safer by design</i> principles to maximise passive surveillance.	NA
Social and Economic Impact in the Locality	The development is likely to have a positive impact as it will supply new and varied housing to the community.	NA
Site Design and Internal Design	The subdivision has been designed to maximise accessibility, solar access, transport access and passive surveillance and is therefore of a suitable design.	NA
Construction	Construction will occur in accordance with conditions and Subdivision Works Certificate will be required.	Part 3, Condition 1
Cumulative Impacts	Minimal impact.	NA
The Suitability of the Site for the Development		
Does the proposal fit in the locality?		Yes
Are the site attributes conducive to development?		Yes
Have any submissions been made in accordance with the Act or the Regulations?		
Public Submissions	The application was placed on public exhibition for a period of 28 days between 6 October 2020 and 3 November 2020. Three objections were received which were addressed in Section 4.2 of the report. Concerns in summary related to loss of rural views, traffic efficiency and pedestrian safety. These have been addressed through a number of conditions of consent or modifications to the design.	
Submissions from Public Authorities	The application was notified to Transport for NSW, APA and NSW Police. Transport for NSW supported the proposal in principle and provided concurrence for the Edward Street/Bogan Way intersection upgrades. APA provided support to the proposal with conditions. The NSW Police responded stating that they have no comments.	
The Public Interest		

The development is viewed to be in the public interest as it will significantly increase the availability of varied forms of housing for Forbes. Forbes is currently experiencing a housing shortage as identified in the *Forbes Local Strategic Planning Statement*.

1.1.2 Summary of Legislative Assessment

Legislation	Assessment
SEPP (State and Regional Development) 2011	As the cost of works are in excess of \$5 Million and Forbes Shire Council is the applicant the consent authority for the proposal is the Western Joint Regional Planning Panel.
SEPP No.55 Remediation of Land	The applicant has provided a report in accordance with SEPP 55 – Remediation of Land. This report concluded that “widespread contamination was not identified and the site is suitable for the proposed residential development.” All recommendations of the report have been listed as conditions of consent.
SEPP (Infrastructure) 2007	Clause 101 of the ISEPP lists considerations prior to allowing a new access to a classified road. The recommendation of Council is that as this will likely service multiple new land releases in the area it is suitable to provide an additional access to the The Bogan Way for efficiency reasons. Transport for NSW have sought in the commentary additional information in regards to this prior to the issuing of the Subdivision Works Certificate for the proposed access.
SEPP No.44 Koala Habitat	Minimal impact.
Forbes LEP 2013	Complies with all clauses.
Forbes DCP	Complies with all clauses.

1.2 Proposal

Council is in receipt of a Development Application for a 223 Lot Subdivision. Council is the applicant and owner of the land and as such the Western Joint Regional Planning Panel is the Consent Authority of the Development Application.

The proposal includes:

- 223 Residential Lots
 - 201 Lots being Torrens Title Subdivision
 - 22 Lots forming part of Community Title Subdivisions
- 1 proposed park/public recreation area
- 2 residual lots
- A number of new roads, streets and laneways.
- Associated civil works
- Upgrades to the Bogan Way/Edward Street Intersection

The proposal is Integrated Development as approval under Section 138 of The *Roads Act 1993* from Transport for NSW is required to access the Bogan Way, which is a Regional Road. The application also requires referral to APA Group in accordance with Section 66C of the *State Environmental*

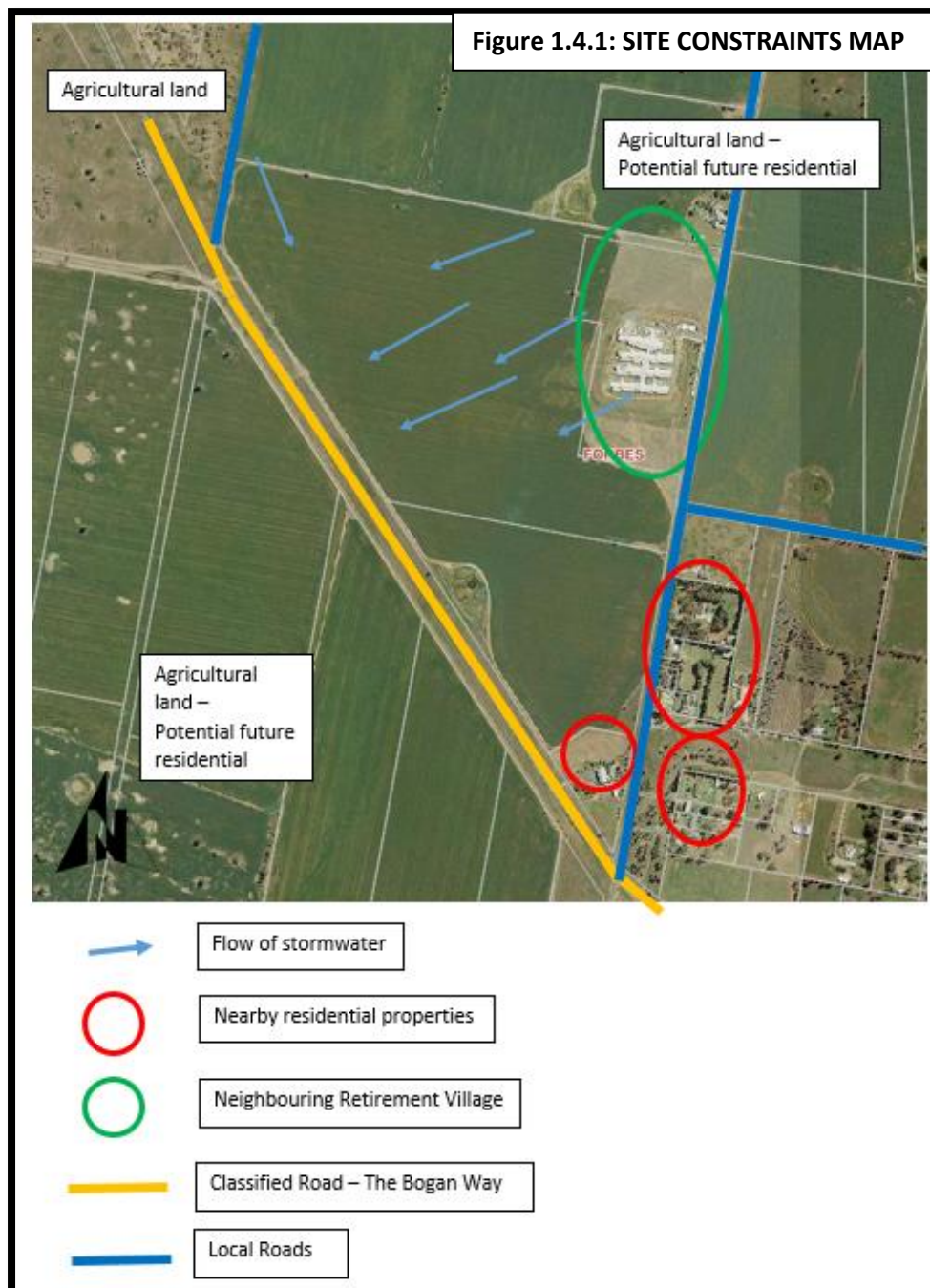
Planning Policy (Infrastructure) 2007 as it proposes development within 20 metres of the pipeline corridor.

1.3 Site and surrounds

The subject site is identified as Lot 11 DP 11189962, Edward Street, Forbes and has an area of 37.71 hectares. The development is located to the North West of the Forbes Central Business District with a direct connection into the Forbes Township via The Bogan Way. The subject lot is currently bounded by The Bogan Way from the South West, Edward Street and the Jemalong Retirement Village to the East, and agricultural land to the North and South. There are some residences to the South-East of the site as identified in the *Site Constraints Map* below.

Through investigations in the *Forbes Local Strategic Planning Statement*, the area immediately surrounding the site has been identified as future residential land options pending finalisation via Planning Proposals. The LSPS states that North West Forbes will likely accommodate the majority of future residential land as it is not flood liable and is not far from utility services.

The site slopes to the South-West with an approximate fall of 6 metres through the whole site. On a smaller scale it is unlikely that any individual lot will have a fall greater than 1 metre.



2.0 LEGISLATIVE ISSUES FOR CONSIDERATION

2.1 Acts

2.1.1 *Environmental Planning and Assessment Act*

A full assessment of the development according to Section 4.15 of the Environmental Planning and Assessment Act is detailed in Section 4.0.

2.1.2 *The Roads Act 1993*

Approval is required under *The Roads Act 1993* for the new access to The Bogan Way, the creation of new public roads throughout the entire subdivision and upgrades to the Edward Street access into the Subdivision.

Any impacts of these have been discussed in detail by Councils Development Engineer.

2.2 State Environmental Planning Policies

2.2.1 *SEPP State and Regional Development 2011*

The proposal requires referral to the Joint Western Regional Planning Panel as it is a development of which Council has an interest in with an estimated cost of works greater than \$5 million.

2.2.2 *State Environmental Planning Policy No.55- Remediation of Land*

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless:

- (a) *It has considered whether the land is contaminated, and*
- (b) *It is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

The applicant has provided a report in accordance with SEPP 55 – Remediation of Land. This report concluded that “widespread contamination was not identified and the site is suitable for the proposed residential development.”

The report also made two recommendations, which will be conditioned. They were the following:

- Preparation of a Construction Management Plan with an Unexpected Finds Protocol detailing the management procedures for any asbestos or any unidentified contamination if encountered during construction works.
- Any spoil removed from the site during the proposed development should be classified in accordance with NSE EPA Waste Classification Guidelines (2014) and disposed of at a suitable licensed waste facility or reused (sic) offsite as appropriate.

2.2.4 *State Environmental Planning Policy (Infrastructure) 2007*

The development site has frontage to the Bogan Way on its western boundary. Access to the Bogan Way is proposed in addition to the access from Edward Street. The consent authority must therefore consider Section 101 of the Infrastructure SEPP. Councils recommendation to the JRPP is that while the lot has frontage to Edward Street and Limestone Road, the new access is required to maintain efficiency and safety at the *Edward Street/Bogan Way* intersection which would experience delays should all traffic from the subdivision make use of this intersection. Limestone Road is a dirt road subject to agricultural and heavy vehicle usage and is therefore not suitable for use by the development.

Council referred the application to Transport for NSW under 104 of the *SEPP (Infrastructure) 2007* as the development is traffic-generating development in accordance with Schedule 3 as it is over 50 allotments with access to a classified road. The consent authority therefore also has additional considerations under this clause.

Council referred the application to APA Group in accordance with Clause 66C.

Outcomes of referrals to external agencies can be viewed in Section 4.2 of this assessment report.

Section 101 Development with frontage to classified road

The clause reads:

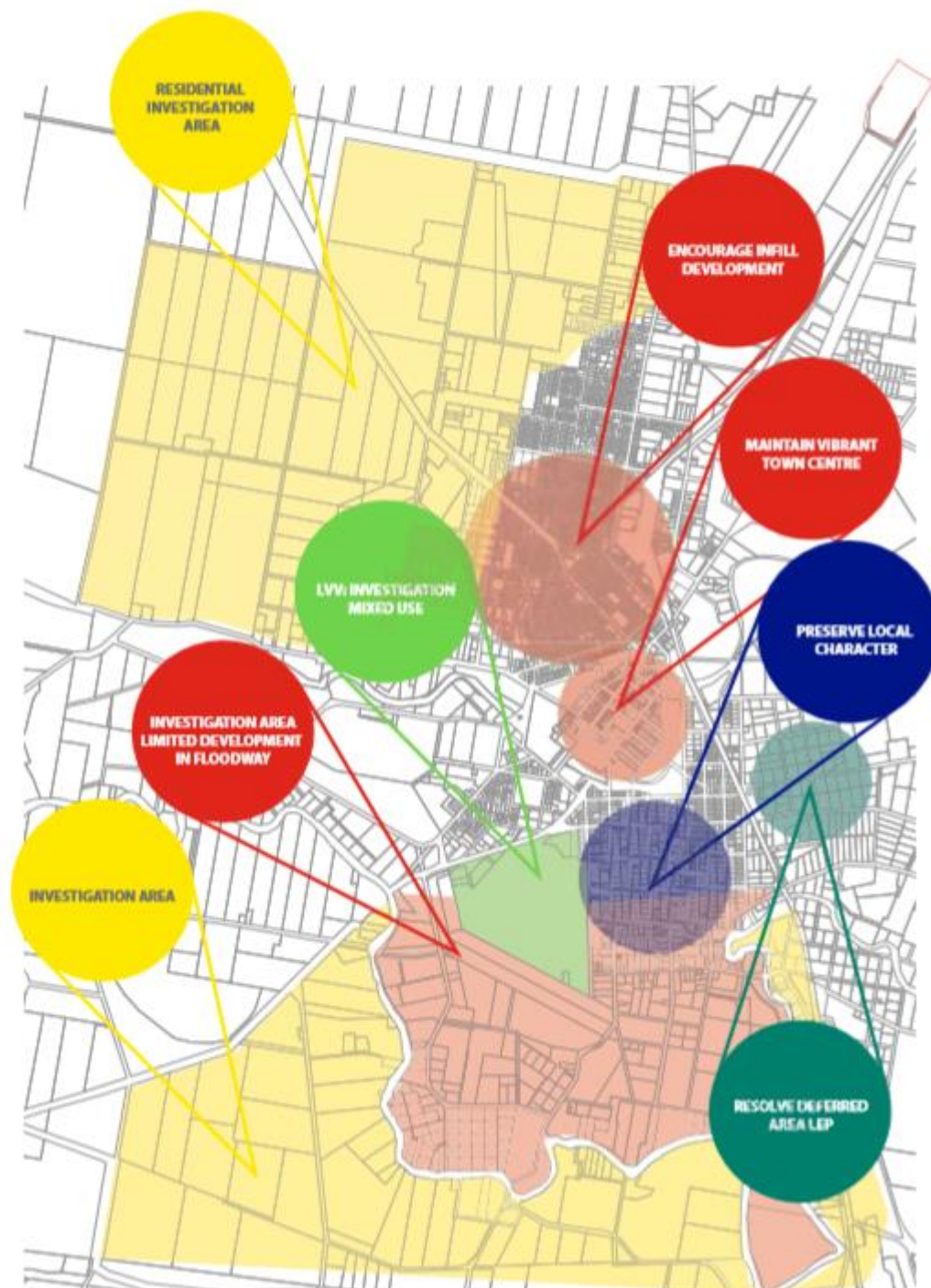
Clause 101 SEPP (Infrastructure) 2007	
<p><i>(1) The objectives of this clause are:</i></p> <p><i>(a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></p> <p><i>(b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p>	<p>A traffic assessment was undertaken by the applicants as part of the proposal that showed that the development has the potential to increase traffic movements by 351 at AM peak hour and 339 at PM peak hour.</p> <p>It has been considered that consolidating all these traffic movements to the Edward Street/Bogan Way intersection would cause inefficiency at the existing intersection and cause delays. Spreading this out across two intersections would minimize this problem.</p> <p>A colorbond fence has been conditioned on the Bogan Way frontage to minimize the impact of traffic noise and vehicle emissions on the development. No dwelling is to have direct access from the Bogan Way which will be enforced via Restriction on the use of the land to the favour of Council.</p>
<p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</i></p> <p><i>(a) Where practicable, vehicular access to the land is provided by a road other than the classified road, and</i></p>	<p>Council's recommendation to JRPP is that refusing the additional access to the Bogan Way is not practicable. The proposal is for a large Subdivision and requiring that all traffic exit via Edward Street will decrease traffic efficiency with approximately 350 movements an hour at the Edward Street/Bogan Way intersection. This access will also service future land releases in the immediate vicinity that are identified in the <i>Forbes LSPS</i> as shown in Figure 2.2.1. It would be unsafe and inefficient for the intersection of Edward Street and The Bogan Way to cater for all future land releases that have been identified in the <i>LSPS</i> and as such Council's view is that an additional access is necessary.</p> <p>Limestone Road is a dirt road subject to agricultural and heavy vehicle usage and is therefore not suitable for use by the development.</p>
<p><i>(b) The safety, efficiency and ongoing operation of the</i></p>	<p>The Traffic Report that was provided by the applicant indicated that during peak hours there</p>

<p><i>classified road will not be adversely affected by the development as a result of:</i></p> <p>(i) <i>The design of the vehicular access to the land, or</i></p> <p>(ii) <i>The emission of smoke or dust from the development, or</i></p> <p>(iii) <i>The nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p>	<p>was a total of 132 vehicle movements on the day of their survey on The Bogan Way. While it is anticipated there will be an increase of approximately 350 vehicles on The Bogan Way as a result of this development, the vehicular movements will be split between two accesses decreasing any impact to the traffic. There is unlikely to be any emission of smoke or dust from the development, and the design of the vehicular accesses will be in accordance with <i>Austrroads Guide to Road Design</i>.</p>
<p><i>The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	<p>The proposal is for low density residential development, and is therefore unlikely to be impacted by being adjacent to The Bogan Way. To manage any potential impact, it will be conditioned that a positive covenant shall be placed on each block with boundaries to the Bogan Way that access will not be gained from the road. Further, it will be conditioned that a 6 foot colorbond fence be erected on this boundary to create separation and manage noise/vehicular emission conflicts.</p>
<p>Clause 104 Traffic Generating Development</p>	
<p><i>(3) Before determining a development application for development to which this clause applies, the consent authority must:</i></p> <p>(a) <i>Give written notice of the application to RMS within 7 days after the application is made, and</i></p> <p>(b) <i>Take into consideration:</i></p> <p>(i) <i>Any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and</i></p>	<p>The proposal is <i>Traffic Generating</i> in accordance with Clause 104 of the Infrastructure SEPP. The application was referred to Roads and Maritime Services under this Clause who supported the proposed development. A detailed assessment of their comments have been provided in Section 4.1.</p>
<p>(ii) <i>The accessibility of the site concerned, including:</i></p> <p>(A) <i>The efficiency of movement of people and freight to and from the site and the</i></p>	<p>Footpaths have been conditioned throughout the development. It has also been conditioned that two bus stops be built prior to the release of the Subdivision Certificate for Stage 4, one being a public bus stop and the other a School Bus Stop.</p>

<p>(B) <i>extent of multi-purpose trips, and The potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i></p>	
<p>(iii) <i>Any potential traffic safety, road congestion or parking implications of the development.</i></p>	<p>This has been discussed in detail in the Traffic Report and there is not anticipated to be any traffic safety, road congestion or parking implications of the development due to intersection upgrades and additional accesses.</p> <p>A footpath, curb and gutter and appropriate street lighting will be conditioned for Edward Street to support safe pedestrian links into town.</p>

Figure 2.2.1 – Exert from *Forbes Local Strategic Planning Statement* showing planned residential release areas in North Forbes.

Map 06: Residential development options



State Environmental Planning Policy No.44 Koala Habitat

Forbes is a Local Government Area which SEPP No.44 Koala Habitat applies and the area of the subject site is more than 1ha. Council must be satisfied before consent is granted that the land is not a potential koala habitat. The site does not consist of any feed tree species specified in Schedule 2 and no koalas have been sighted within the Forbes Local Government Area. The subject land is not within a potential koala habitat.

The following SEPPs have been considered and do not apply to this development:

- *State Environmental Planning Policy No. 1 – Development Standards*
- *State Environmental Planning Policy No. 6 - Number of Storeys in a Building*
- *State Environmental Planning Policy No 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy No. 21 - Caravan Parks*
- *State Environmental Planning Policy No. 22 - Shops and Commercial Premises*
- *State Environmental Planning Policy No. 30 - Intensive Agriculture*
- *State Environmental Planning Policy No. 32 - Urban Consolidation (Urban Land)*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 36 - Manufactured Home Estates*
- *State Environmental Planning Policy No. 50 - Canal Estate Development*
- *State Environmental Planning Policy No. 62 - Sustainable Aquaculture*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*
- *State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)*
- *State Environmental Planning Policy (Aboriginal Land) 2019*
- *State Environmental Planning Policy (Activation Precincts) 2020*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Concurrences and Consents) 2018*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Gosford City Centre) 2018*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007*
- *State Environmental Planning Policy (Kurnell Peninsula) 1989*
- *State Environmental Planning Policy (Major Infrastructure Corridors) 2020*
- *State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007*
- *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*
- *State Environmental Planning Policy (Rural Lands) 2008*
- *State Environmental Planning Policy (Urban Renewal) 2010*

2.3 Forbes Local Environmental Plan

The proposed development has been assessed in accordance with the relevant requirements of the *Forbes Local Environmental Plan 2012* and no relevant draft LEPs apply to the land. A summary is provided as follows:

Forbes Local Environmental Plan 2013	COMPLIES (Yes/No)
Part 1 Preliminary	
Clause 1.2 Aims of Plan	
<p>The particulars of the Plan to the proposed development are as follows:</p> <ul style="list-style-type: none"> <i>(a) to encourage and manage ecologically sustainable development in Forbes,</i> <i>(b) to reinforce the existing urban character of Forbes as the urban focus,</i> <i>(c) to reinforce the rural character of Forbes while promoting sustainable development,</i> <i>(d) to protect the agricultural land of Forbes for continued agricultural production while allowing for planned expansion at the urban fringe,</i> <i>(e) to promote Forbes as a premier tourist-destination building on its unique heritage and environmental attributes as well as sporting and leisure facilities,</i> <i>(f) to protect, enhance and conserve the natural environment, including the Lachlan River, Lake Forbes, wetlands, native vegetation, environmentally sensitive land and other natural features that provide habitat for fauna and flora, provide scenic amenity and that may prevent or mitigate land degradation,</i> <i>(g) to provide a range and variety of housing choices to cater for the different needs and lifestyles of residents.</i> <p>The proposed development is considered to be generally consistent with the relevant aims of the FLEP 2013. The Highway Service Centre will support the promotion of Forbes as a tourist destination building.</p>	Yes
Clause 1.4 Definitions	
The proposed development is defined as a Subdivision.	Yes
Clause 1.9A Suspension of Covenants, Agreements and Instruments	
No covenants, agreements and instruments restricting the development have been identified.	N/A
Part 2 Permitted or Prohibited Development	
Clause 2.1 Land Use Zones	
The subject site is zoned R1 General Residential. The development is permissible in the zone.	Yes
Clause 2.3 Zone Objectives and Land Use Tables	

Forbes Local Environmental Plan 2013	COMPLIES (Yes/No)
<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community.</i> <i>To provide for a variety of housing types and densities.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>To encourage all forms of residential accommodation in appropriate locations.</i> <p>The development meets the zone objectives as it will increasing housing stock and provide a variety of housing types and densities.</p>	Yes
Clause 2.6 Subdivision – consent requirements	
The proposed development is for a subdivision and requires development consent.	Yes
Clause 2.7 Demolition requires development consent	
The proposal does not involve demolition of an existing structure.	N/A
Part 4 Principal Development Standards	
Clause 4.1 Minimum subdivision lot size	
The minimum lot size for the land is 550m. The proposed lots range from 550 – 5000 and therefore is permissible under this clause.	Yes
Clause 4.1AA Minimum lot size for community title schemes	
Several community title schemes are proposed as part of this subdivision and comply with the requirements of this clause.	Yes
Clause 4.1A Minimum lot size for dual occupancies, multi dwelling housing and residential flat buildings	
The minimum lot size for these uses is 740m. No dwellings are proposed as part of the subdivision, but opportunity is available for the provision of these land uses in accordance with this clause.	Yes
Clause 4.1B Exceptions to minimum lot sizes for certain residential development	
The proposal does not propose to make use of this clause	NA
Clause 4.2 Rural Subdivision	
Not Applicable	NA
Clause 4.2A Minimum subdivision lot size or strata plan schemes in certain rural and environmental protection zones	

Forbes Local Environmental Plan 2013	COMPLIES (Yes/No)
The proposal does not propose to make use of this clause	NA
Clause 4.2B Erection of dwelling houses on land in certain rural and environmental protection zones	
The proposal does not propose to make use of this clause	NA
Clause 4.2C Dwelling houses in Zone RU1 and Zone RU4	
Not applicable.	NA
Clause 4.2D Erection of rural workers' dwellings in Zone RU1	
Not applicable	NA
Clause 4.2E Boundary adjustments in certain rural zones	
The proposal does not propose to make use of this clause	NA
Clause 4.3 Height of buildings	
The maximum height of buildings in this zone is 8 metres. No buildings are proposed as part of this Development Application and assessment of future development will occur against this clause.	NA
Part 5 Miscellaneous provisions	
Clause 5.2 Classification and reclassification of public land	
While the land is owned by Council, it is classed as operational land and therefore the development is permissible	Yes
Clause 5.3 Development near zone boundaries	
The proposal does not propose to make use of this clause	NA
Clause 5.4 Controls relating to miscellaneous permissible uses	
None of the uses referred to in this clause are proposed.	NA
Clause 5.11 Bush fire hazard reduction	
The development is not bushfire prone	NA
Part 7 Additional Local Provisions	
Clause 7.1 Earthworks	
Earthworks associated with the development are proposed and form part of this application. The earthworks are necessary to facilitate the subdivision, in particular road works and forming lots. The proposed earthworks will not have a detrimental impact on drainage patterns and soil stability or the existing and likely amenity of adjoining properties. The development application will be	Yes With conditions

Forbes Local Environmental Plan 2013	COMPLIES (Yes/No)
condition to mitigate the potential impact of soil erosion and the like during construction.	
Clause 7.2 Flood Planning	
The site is not identified as a 'flood planning area'. This clause is not applicable to the proposed development.	N/A
Clause 7.3 Terrestrial Biodiversity	
The site is on the terrestrial biodiversity map. However, the mapping is attempting to identify the road area and it is a fault of the mapping that this is edging onto the land. A condition will be placed on the land that native vegetation in the road reserve will be preserved to the highest extent possible.	Yes With conditions
Clause 7.9 Essential services	
Council's Development Engineer has assessed the proposed development and confirmed that adequate services are available or can be made available to the proposed development. Conditions will be placed on the development consent accordingly.	Yes

2.4 Central West and Orana Regional Plan

The proposal is consistent with Direction 25 of the Regional Plan: Increase housing diversity and choice.

2.5 Forbes Local Strategic Planning Statement

The proposal is consistent with theme LC1 of the Forbes LSPS: *Our Neighbourhoods* which states "North Forbes will cater for the vast majority of growing housing needs into the future."

Draft State environmental planning policies

None relevant.

Draft local environmental plans

None relevant.

3.0 Forbes Development Control Plan

Objectives:

- Ensure a high quality of subdivision and delineation of allotment boundaries throughout the Forbes Shire;
- Encourage site responsive development which reflects the opportunities and constraints of individual sites and preserves or enhances its special qualities;
- Ensure development is consistent and compatible with the established

- streetscape and character and enhances the amenity of residential areas; and
- d) Assist developers and applicants in the preparation and submission of applications in order to expedite the assessment process

Clause 3.5 Consideration of Physical Constraints

The applicant has identified physical constraints of the development and planned the subdivision layout to accommodate these. This includes, the natural flows of stormwater, the slope of the land and surrounding neighbours. These have been addressed via site design.

Clause 3.6 Size of Allotments –

Clause 3.6.1 – Residential

Standard	Assessment Comment
Residential lot size is to be not less than 550 m ² . As far as possible new lots should have at least a frontage of 16.8 m and a depth of 30 m. Irregular lots such as truncated or wedge shaped lots at the end of cul-de-sacs must have a mean width of at least 15 m and a width of 14 m at a distance of 6 m from the street alignment. Exceptional circumstances will be dealt with on their merits.	Complies
Corner lots are to be provided with 4 m cut off for splay purposes. When the corner angle is less than a right angle a deeper cut off may be required by the Council.	Complies
Council does not consider the creation of battle-axe allotments from undeveloped land as an acceptable form of subdivision. A battle-axe subdivision will only be considered in isolation and will be determined on its merits having regard for the size, shape, location and amenity of the surrounding area. A battle-axe allotment shall have an access way of not less than 6 m in width and shall have a minimum area exclusive of the access way of 650 m ² .	No battle axes are proposed as part of the development. Complies.

Clause 3.6.2 – Large Lot Residential

Not applicable.

Clause 3.6.3 Primary Production

Not applicable

Clause 3.6.4 Primary Production Small Lots

Not applicable

Clause 3.6.5 Commercial

Not applicable

Clause 3.6.6 Industrial

Not applicable

Clause 3.6.7 Strata and Community Title Subdivision

Standard	Assessment Comment
<p>The minimum allotment size for a strata or community title allotment within a subdivision shall be 250m².</p> <p>The minimum allotment upon which a strata or community titled subdivision shall be 740m².</p>	Complies

Clause 3.7 Roads

Standard	Assessment Comment
The road network within the Forbes Shire is comprised of size (6) distinct classes of roads	Noted and complies

Clause 3.8 Provision of Utility Services within the Subdivision

Utility services will be provided in accordance with engineering guidelines.

Clause 3.9 Stormwater Drainage

Standard	Assessment Comment
Surface Drainage – Subdividers are required to show the means by which both natural and increased run-off shall be disposed of and the location of any necessary easements.	Complies as discussed in engineering comments.
Internal Stormwater Drainage – this work shall be paid for by the subdivider as part of the road works and drainage requirements. Where several adjacent subdividers wish to proceed at the same time and use the same system of internal pipelines arrangements should be made to share the cost on an area drained basis	Complies as discussed in engineering comments.
External Stormwater Drainage – External stormwater drainage facilities must be adequate before Council will approve the subdivision	Complies as discussed in engineering comments.

Clause 3.10 Trees

Trees will be planted in accordance with Councils *Urban Street Tree, Street verge and Nature Strip Maintenance Policy*.

Clause 3.11 Land for Public Recreation

Standard	Assessment Comment
In the case of subdivision of land for new urban residential development, Council will require the subdivider to provide land to cater for the public recreation needs of future residents or alternatively, to make an equivalent financial contribution for the provision of such services elsewhere.	This policy has been replaced by Section 7.12 Developer Contribution Plan which be collected at the Construction Certificate stage for every future development on site. However, a substantial open space area has also been provided as part of the proposal.

4.0 SECTION 4.15 ASSESSMENT

<i>The Likely Impacts of the Development</i>	
Context and Setting	<p>The development will have a small impact on the existing rural access to a select number of existing dwellings as it is a Greenfield site on the edge of Forbes. It is only anticipated to be a small difference as the proposal is north of the existing dwellings and only partially within their views.</p> <p>The site is zoned R1 General Residential and is in keeping with the goals of the Forbes LSPS and therefore this loss of rural views for a select number is considered reasonable.</p>
Access, Transport and Traffic	Access, transport and traffic have been discussed in detail under the Section 2.2.4 <i>State Environmental Planning Policy (Infrastructure) 2007</i> and Section 4 – External Referrals.
Public Domain	The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space. Pedestrian pathways will be conditioned throughout the development and a public park will be established.
Utilities	Water and Sewer services can be satisfactorily provided to the development by extending Council's existing water and sewer reticulation mains located in Edward St. Augmentation of these supply line will be required as the subdivision progresses through each stage and more lots become available for development. The applicant will be responsible for the design and construction of these services as well as any required upgrades to the existing system. Conditions will be placed on the development consent accordingly. Overhead electricity and telecommunication infrastructure run along Edward St, Limestone Rd and The Bogan Way adjacent to the development site. The applicant will be responsible for the design and construction of electricity and telecommunication supply throughout each stage of the subdivision.
Heritage	The proposed development will not have an impact in relation to heritage. The site is not heritage listed, is not adjacent to a heritage item and is not located within a Heritage Conservation Area.
Other land resources	The proposed development will not affect the future use or conservation of valuable land resources such as: productive agricultural land; mineral and extractive resources; and water supply catchments. While it is a

	greenfield site used for agricultural purposes its proximity to town means its agricultural potential is minimal.
Water	<p>The proposed development will have minimal impact on the conservation of water resources and the water cycle. The entire subdivision will be connected to Town Water.</p> <p>A Storm Water Management Plan will be prepared prior to release of the Subdivision Works Certificate for stage 1.</p>
Soils	The proposed development will have minimal adverse impact on soil conservation. The soils are suitable for the development. All future dwellings will require a soil report prior as part of their own DAs to ensure the uses are suitable for each specific site.
Air and microclimate	The proposed development will have minimal impact on air quality and microclimatic conditions and will be conditions to prevent air pollution such as dust where required.
Flora and Fauna	<p>The proposed development will have a minimal impact in relation to the maintenance of biodiversity in the area. There are no known listings of critical habitat, threatened or endangered species, populations, ecological communities or their habitats on or in close proximity to the site.</p> <p>The road reserve is marked on the <i>Terrestrial Biodiversity Map</i> of the <i>Forbes LEP 2013</i> and a condition has been recommended to prevent removal of additional vegetation in the road reserve without approval.</p>
Waste	The development will have minimal impact on waste. The subdivision will be serviced by Town Waste and Recycling Collection Services.
Energy	The development will have minimal impact on energy. Lots have been designed to have northern aspect wherever possible. All future dwellings will need to comply with BASIX if applicable.
Noise and Vibration	There may be construction noise associated with the civil works included in the proposal. These will only occur during standard construction hours.
Natural Hazards	The site is not affected by any natural hazards identified within the Forbes Local Environmental Plan 2013.
Technological Hazards	A contamination report has been submitted with the Development Application, see section 2.2.3 for further discussion. Conditions have been imposed based on the recommendations of this report.

<i>Safety, Security and Crime Prevention</i>	<p>The development has been referred to NSW Police for a Safety by Design assessment and the following comments were provided:</p> <p>“Central West Police District have no concerns at this stage in the development about crime risks raised by the proposed subdivision.”</p> <p>The layout of the subdivision has been designed to provide optimal passive surveillance and no pedestrian only laneways have been proposed.</p>
<i>Social and Economic Impact in the Locality</i>	<p>The proposed development is anticipated to cater for the majority of the Shires housing supply into the future and will therefore have significant economic benefits. The development will have significant social benefits due to the provision of open space, pedestrian access and a diversity of housing.</p>
<i>Site Design and Internal Design</i>	<p>The site design and internal design of the development has been assessed under the Forbes Development Control Plan 2013. The proposed design is considered to be satisfactory.</p>
<i>Construction</i>	<p>The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and their occupants and the environment by way of noise, erosion and the like. These conditions are standard Council conditions of development consent.</p>
<i>Cumulative Impacts</i>	<p>Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered unlikely that the proposed development will result in adverse cumulative impact.</p>
<i>The Suitability of the Site for the Development</i>	
<i>Does the proposal fit in the locality?</i>	<p>The proposal is considered to be compatible with its site and general locality.</p>
<i>Are the site attributes conducive to development?</i>	<p>Site attributes such as configuration, size and slope, are considered to be generally conducive to the proposed development.</p>
<i>Have any submissions been made in accordance with the Act or the Regulations?</i>	
<i>Public Submissions</i>	<p>The application was placed on public exhibition for a period of 28 days between 6 October 2020 and 3 November 2020.</p> <p>Three objections were received which were addressed in Section 4.2 of the report.</p> <p>Concerns in summary related to loss of rural views, traffic efficiency and pedestrian safety. These have been addressed through a number of conditions of consent or modifications to the design.</p>

Submissions from Public Authorities	<p>The application was notified to Transport for NSW, APA and NSW Police.</p> <p>Transport for NSW supported the proposal in principle and provided concurrence for the Edward Street/Bogan Way intersection upgrades.</p> <p>APA provided support to the proposal with conditions.</p> <p>The NSW Police responded stating that they have no comments.</p>
The Public Interest	
<p>The development is viewed to be in the public interest as it will significantly increase the availability of varied forms of housing for Forbes. Forbes is currently experiencing a housing shortage as identified in the <i>Forbes Local Strategic Planning Statement</i>.</p>	
Government and Community Interests	
<p>It is considered that government and community interests will not be adversely affected by the proposed development.</p>	

4.2 Submissions

The proposal has been assessed against the submissions received.

Submission 1:

Submission	Response
<p>Proposed Development does not respect local content and street road patterns or in particular the scale and proportions of surrounding buildings would be entirely out of character of the area to the detriment of local environment.</p> <p>The development does not complement the neighbouring building and the local area more generally in terms of Scale Density Layout and Access</p>	<p>The proposed development is a grid layout ("Conventional Subdivision Design") which is considered the current best practice for subdivisions due to its walkability and connectivity throughout the subdivision. It has also been designed to provide for the maximum solar access. There is no consistent pattern of subdivision within the Forbes Township, and the benefits of the grid pattern as referred above are overwhelmingly advantageous.</p> <p>The zoning around the development is either RU1 Primary Production or R1 General Residential. While these are two contrasting zones, the <i>Forbes Local Strategic Planning Statement</i> identified the entire vicinity of the project for future residential rezoning. The western blocks of the subdivision have deliberately been designed to be larger as a transition from rural land to residential land, while the northern and southern blocks have been identified as future residential land. It is therefore considered that the proposal is in keeping with future community sentiment for the area.</p>

<p>The proposal would demonstrably harm local residents in particular Potential Noise, Traffic Impact, Visibility Lighting, Pedestrians / Cyclists A number of Staff / Residents from the Jemalong Complex are walking in the mornings/evenings Staff are cycling</p>	<p>The applicant has provided an extensive Traffic Study which addresses many of these concerns. The potential noise will not be out of character for a residential area, as only developments permissible in an R1 General Residential zone would be permissible on future lots. Street lighting within the subdivision will be installed prior to Subdivision Certificate. Footpaths are required to be constructed prior to Subdivision Certificate.</p> <p>A footpath from the subdivision into the township has been conditioned in response to this submission and Clause 104 of the ISEPP. Street lighting on Edward Street is not warranted at this time.</p>
<p>Traffic generated cannot be safely and conveniently accommodated by existing Street networks namely Edward Street</p>	<p>The submitted Traffic Report undertook a detailed assessment of the Development Application on existing traffic networks. Council is satisfied that no adverse impact will be experienced primarily as the subdivision will be serviced by two accesses.</p> <p>A footpath from the subdivision into the township has been conditioned.</p>

Submission 2:

Submission	Response
<p>This development is a high contrast to this area's neighbourhood character which can generally be described as one dwelling on a large block with lots of open space. This northern end of Edward Street is currently the edge of the residential area of town and has retained that agricultural/rural feel with large lifestyle blocks. As the lots surrounding the proposed subdivision are large (greater than 13,500m²) there is a community expectation (both existing and new residents) that the area will remain rural in feel with large blocks, much vegetation and generous open space (both public and private). However, the proposed development is suburban in nature and is lacking any sympathy with its rural surrounds. Based on the information in the Statement of Environmental Effects (GDS 2020) there are to be only 8 lots, 3.6% of the subdivision, set aside at a size of 3000m² or greater. The remaining 96.4% of the proposed lots are significantly smaller in size than the existing neighbouring</p>	<p>The zoning for the lot of land is R1 General Residential, which has a minimum lot size of 550m². The zoning for most blocks in the vicinity which have a house on them is also R1 General Residential, with a minimum lot size of 550m². Council has adopted a Masterplan for the area to the east of the proposed lot which allows for smaller lots and it is expected that this will be taken up into the future. The area was also highlighted for general residential development in the Local Strategic Planning Statement. It is therefore not considered out of character.</p>

blocks. Based on the proposed lot density, and very small lot sizes, the proposed development will have dense housing with an extreme lack of garden space and a large quantity of concrete.	
Light Pollution. An additional 223 houses in this space will have a significant impact the dark sky currently experienced, and enjoyed, by the existing residents.	The zoning of the land is R1 General Residential and any increase in lighting is in line with general residential use.
Significant increase in Edward Street traffic. Edward Street is a narrow two-lane road with neither a bitumen shoulder nor footpath. Currently as each car approaches pedestrians must get off the road, onto the uneven surface of the grass verge, before returning to the road after the vehicle has passed. With the traffic estimated to increase by an additional 214-313 peak hour trips this will significantly impact on the safety of members of the public that currently walk on the road either for exercise or to get to/from work.	A footpath, curb and gutter and appropriate street lighting has been conditioned for Edward Street in response to this submission and Clause 104 of the ISEPP.
Lack of consultation. Pages 34-35 of the Statement of Environmental Effects (GDS, 2020) states that public consultation was undertaken as per council policy. There was no consultation with the local neighbours. This proposed development was first brought to our attention when an Estate naming competition was advertised in the local paper on the 6th of August 2020, which included an artist impression of the area complete with houses.	The proposal was publically exhibited for a period of 28 days in accordance with Councils <i>Community Participation Plan</i> . It is not a requirement of FSC for developers to Consult with neighbours prior to lodging the Development Application. Despite this, the Statement of Environmental Effects does state that additional consultation by the applicant occurred.

Submission 3:

My husband and I object to this proposal. 223 homes will radically change the outlook and rural nature of this area, not to mention the increase in road traffic up Edward St. We have taken up permanent residency here recently having moved from the Sydney area to get away from the traffic and endless houses, and for a less busy life and to have more space. To know that over the next few years part of our outlook will become fences and rooftops is not something we relish. The thought of having increased traffic on our road (something already increasing with JRV), with the possibility of streetlights and traffic lights is also something that we hoped to leave behind us. This is a beautiful part of town with an amazing outlook and we feel it should be preserved.	The zoning for the lot of land is R1 General Residential, which has a minimum lot size of 550m2. It has been R1 General Residential since 2013. The Forbes Local Strategic Planning Statement which was subject to extensive Community Consultation notes that North Forbes will cater for the vast majority of land releases into the future. While it is noted that the submitter has current enjoyment of a rural outlook, the proposal will only partially obscure their view as their dwelling is to the south of the subject site.
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<p>Pending the approval of the proposal, and due to the lovely outlook we have, and to prevent the area from becoming a mini Sydney suburb, we ask that:</p> <p>The type of fencing be considered. For example, a timber, more rural type of fencing be used over Colour Bond.</p>	<p>It is likely that a positive covenant will be placed on the lots on the perimeter of the proposal to ensure they are all the same colour. Council is not proposing to condition any particular type of fencing, however it is envisioned that Colorbond-style fencing will be the predominant fencing style as the proposed blocks are all urban residential blocks. Colorbond-style fencing is ideal as it maximizes privacy and security between neighbours.</p>
<p>Trees and shrubs be planted between the currently farmed paddock and the houses.</p>	<p>Vegetation buffers are usually used in times of land use conflict. The development has been designed to minimize land use conflict by placing large blocks on the vicinity of the development. Therefore a vegetation buffer is not seen as necessary. However, as a result of this submission a condition has been placed that on the subject lots that no dwelling is placed in the rear 10 metres of the land to minimize any land use conflict.</p>
<p>That homes be kept to single storey</p>	<p>Councils Local Environmental Plan allows buildings up to 8.5m on the subject block. This would accommodate a two storey building. Should two storey dwellings be proposed an assessment of overshadowing and bulk and scale will be conducted at time of Development Application.</p>
<p>Council does not put street lights any further up Edward St as they will shine directly into our house and ruin the lovely darkness at night.</p>	<p>No street lights are proposed on Edward Street at this time.</p>
<p>Council does not put traffic lights on Edward St</p>	<p>No traffic lights are proposed or being conditioned as part of the subdivision.</p>
<p>New surfacing of the road be considered as it is quite a noisy road, to the point that we often think cars have pulled up in our driveway</p>	<p>Edward Street is currently Bitumen Sealed and complies with Councils Engineering Standards for a residential road. Any future works on Edward Street will be to the same or similar standards.</p>
<p>Current residents of the northern end of Edward St be kept in mind when planning NBN access for the new estate. I assume there is a plan to provide the new estate with decent access to the NBN. At the moment at least our household cannot access the NBN unless on ridiculously expensive satellite. I think it is sensible to bring the internet access up Edward St in such a way that we can take part in it too. Fibre to the Home would be ideal. If you want to attract people from the city to Forbes this would go a very long way to attaining this end.</p>	<p>It has been conditioned that each new block be provided with NBN. If this results in an extension to the NBN network it is likely that this will lower the cost of connecting to NBN. It is the responsibility of the owner to investigate this.</p>

4.1 External Referrals

Transport for NSW – Western Region

Transport for NSW provided a number of comments and recommended Conditions of Consent. All recommended Conditions of Consent have been included in the recommended Conditions. An assessment of the DA against the comments are made below:

Transport for NSW Comment	Council Response
Prior to the determination of the development application the Consent Authority should consider amending the Section 7.12 Fixed Development Consent Levy to include the intersection treatments associated with the development. TfNSW notes the scope of the proposed access and subsequent intersection treatment to the subdivision and The Bogan Way is yet to be determined and how this forms part of any subsequent development consent in order to require contributions between the development (s) which pays the levy and the object of the expenditure of the levy is unclear.	Council is currently investigating options for a S7.12 Fixed Development Consent Levy for the site.
TfNSW subsequently seek any such development consent not adversely burden (financially) anyone outside of those who benefit directly from such a provision and at no cost to TfNSW.	Any future S7.12 Fixed Development Consent Levy will apply onto the development at the proposed site and will not relate to anyone who is not building within the Subdivision.
All internal roads are to be sealed to mitigate dust and adverse impacts to road users and residents.	All roads will be sealed.
Prior to the issuing of the subdivision certificate for Stage 4 the proponent and Forbes Shire Council should consult TfNSW regarding the proposed design for the access and intersection treatments required for The Bogan Way proposed as a part of Stage 5.	Noted. This has not been conditioned as it is considered a notation to the applicant.
It is noted that as per Section 6.14 the Environmental Planning and Assessment Act 1979, that a singular subdivision works certificate could be issued for the entirety of the development subject to this approval. If this is proposed a Section 138(2) of the Roads Act 1993, application is to be submitted to Forbes Shire Council and referred to TfNSW for concurrence for the access (including the intersection treatment) to The Bogan Way prior to this occurring.	Noted.
TfNSW would seek early consultation occurs with Council prior to any such application being submitted which should include the	Noted.

aforementioned inclusions as per the issuance of a staged subdivision works certificate.	
The future development on the proposed allotments should be designed such that road traffic noise from classified roads is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria 'The Environmental Criteria for Road Traffic Noise'.	Noted and will be investigated at DA stage for future dwellings.
Where the EPA external noise criteria would not practically or reasonably be met, Council may consider the criteria for internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia.	Noted and will be investigated at DA stage for future dwellings.
TfNSW Transport 2056 Plan outlines benefits in such proposals having consideration for a Movement and Place framework within their design, in particular connections to pedestrian footpaths networks.	Noted. Footpaths have been conditioned for the entire development.

Please refer Attachment 6 – TfNSW comments

The APA Group

The APA Group provided a number of recommended Conditions of Consent. These were all placed on the consent with minor modifications to put the onus on the applicant to provide paperwork that APA had approved of any works rather than Councils Assessment Officers.

Please refer Attachment 7 – APA Group Comments

NSW Police – Central West Police District

NSW Police were referred the modification in accordance with a MOU between Forbes Shire Council and NSW Police to refer specific development types for comment. The following comment was received by NSW Police:

“Central West Police District have no concerns at this stage in the development about crime risks raised by the proposed subdivision.”

4.2 Internal Referrals

Building Surveyor
<p>I note that there is detailed geotechnical reporting regarding the subdivision infrastructure but none as to the suitability for building. This will occur at time of Development Application for any future dwelling.</p> <p>The SEE is a bit light on in a number of areas and could have provided more detail in regard to solar performance. It does note that the blocks are north south facing which provides for good solar access. Where possible, a site that can accommodate north-facing daytime living areas and outdoor spaces would be preferred.</p>
Development Engineer

The proposed development site slopes both north-west towards Limestone Rd and south-west towards the Bogan Way and an adjacent lot immediately to the south of the subject land. . Surface drainage from the proposed development and upstream catchments will be directed to the above locations via both internal road drainage and inter allotment drainage systems. The applicant will be responsible for the design and construction of the stormwater drainage system as well as an onsite stormwater detention system to ensure that increased flows from the development do not adversely effect surrounding properties. Inter allotment drainage easements as well as drainage easements external to the site are to be created to allow legal discharge of stormwater flow over those portions of land.

Additional traffic impacts on the local road network are to be insignificant and no upgrades to the extended local road network (apart from local intersection upgrades) are warranted. The proposed subdivision is to connect to the existing road network via intersections with both Edward St and The Bogan Way. The proposed intersection with The Bogan Way is to be upgraded to the requirements of TfNSW. The proposed subdivision road layout is accordance with the Road Hierarchy table as listed in Council's DCP. The applicant shall be responsible for the design and construction of internal roads and intersection upgrades along with the provision of pedestrian access, signage and street lighting throughout the development. Conditions will be placed on the development consent accordingly.

5.0 Conclusion

The proposal has been assessed having regard to the provisions of Section 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979, LEP 2012, SEPP 55 Contamination of Land, SEPP (Infrastructure), Forbes LEP and Forbes DCP and is considered satisfactory.

Accordingly the following recommendation is made:

RECOMMENDATION:

That the Western Joint Regional Planning Panel approve Development Application 2020/87 subject to the conditions outlined in Attachment 1.

Attachments

Attachment 1 Proposed Conditions of Consent

See attached document “2020-87 - Proposed Conditions of Consent”

Attachment 2 Locality Plans

Figure A2.1: Locality Plan aerial

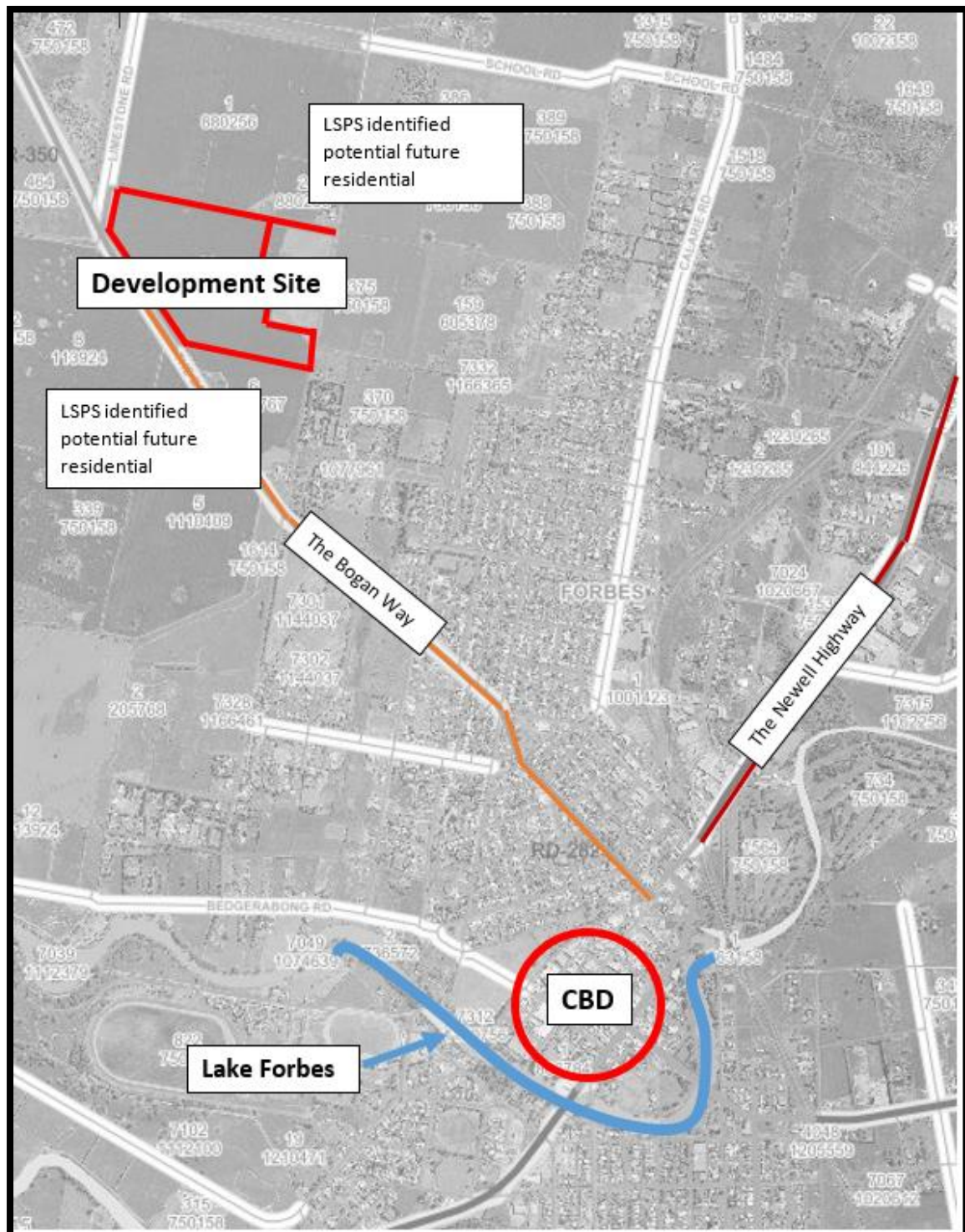
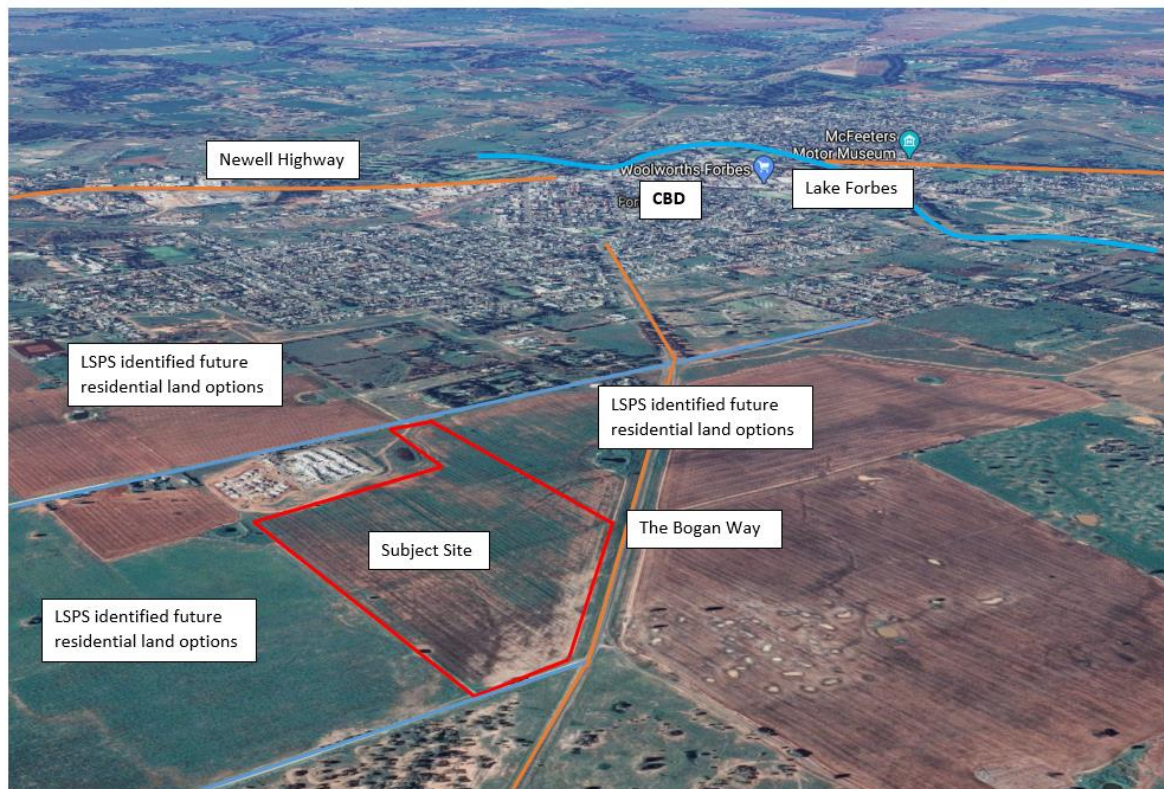


Figure A2.2: Locality Plan 3D aerial



[Attachment 3](#) [Submissions](#)

See attached documents “2020-87 - Submission Package”

[Attachment 4](#) [Subdivision Plans](#)

See attached document “2020-87 - Subdivision Plans”

[Attachment 5](#) [Site photos](#)

See attached document “2020-87 – Site photos”

[Attachment 6](#) [Transport for NSW Submission](#)

See attached document “2020-87 – Transport for NSW Submission”

[Attachment 7](#) [APA Submission](#)

See attached document “2020-87 – APA Submission”