

FORBES SHIRE COUNCIL

Forbes Local Environmental Plan, 1986

Development Control Plan No 2

1 INTRODUCTION

The aim of this plan is to provide for future development of dwellings in industrial areas taking into account the planned development of industrial lands and so maximise the utilisation of the available industrial lands.

2 STATUS AND APPLICATION

- (a) This plan is a Development Control Plan as provided for in Section 72 of the Environmental Planning and Assessment Act, 1979 and clauses 15-24 of the Environmental Planning and Assessment Regulation.
- (b) This plan applies to all land identified as bounded by the Newell Highway and Sam Street and the lands bounded by the Newell Highway, Woolshed Road, Wyndham Avenue and Landrace Road. The lands identified as Zone 4(a) Industrial Zone by the Forbes Local Environmental Plan 1986 as amended.
- (c) This plan may be varied only in the manner provided for in the Environmental Planning and Assessment Act, 1979, and the regulations thereto.
- (d) In the event of any inconsistency between this Plan and an Environmental Planning Instrument applying to the same land, the Environmental Planning Instrument shall normally prevail.
- (e) In accordance with clause 24(2) of the Environmental Planning and Assessment Act Regulation 1980, this plan shall operate from 21 March 1996.

3 CONSIDERATION

- (a) This plan is a matter to be taken into consideration by Council in assessing Development Applications under Section 90(1)(a)(iv) of the Environmental Planning and Assessment Act, 1979.
- (b) Nothing in this plan shall prevent Council taking into consideration of those matters listed under Section 90 of the Environmental Planning and Assessment Act, 1979.

- (c) In determining whether a proposal shall be granted development consent Council shall consider all relevant matters in accordance with the Plan's objectives.

4 DEFINITIONS

In this plan, except in so far as the context or subject matter otherwise indicates or requires the following definitions apply:

"Dwelling" - a single, detached house, which is classified as a Class 1 building in accordance with clause A3.2, Building Code of Australia;

"Dual Occupancy" - a building which results in two dwellings on a single allotment;

"Caretakers Flat" - a flat within the industrial building and classified as a Class 4 building in accordance with clause A3.2, Building Code of Australia.

All other terms used in this plan may be found in:

- (a) Forbes Local Environmental Planning & Assessment Act, 1986;
- (b) Environmental Planning and Assessment Model Provisions, 1980; and
- (c) Section 4 of the Environmental Planning and Assessment Act, 1979.

5 PERMITTED DEVELOPMENTS

Developments of a dwelling within a Zone 4(a) Industrial Zone will be permitted where:-

- (a) the dwelling is subsidiary to the industrial use of the allotment;
- (b) the maximum size of the dwelling upon the allotment is 90m²;
- (c) the dwelling will be constructed in the rear 30% of the allotment;
- (d) the dwelling will not be constructed prior to the establishment of the industrial use;
- (e) not more than one dwelling or one caretakers flat is proposed to be developed on this site.

6 NON PERMITTED DEVELOPMENT

Development of a dwelling will not be permitted in a Zone 4(a) Industrial Zone where:-

- (a) the development incorporates a dual occupancy;
- (b) the development of a dwelling is within the Forbes Shire Council Industrial Land Estate, serviced by Parkes Road, Wyndham Avenue, Durham Street and Landrace Road, Forbes.

7 ALTERATIONS/RENOVATIONS TO EXISTING DWELLINGS

Where a dwelling development exists upon an industrial site, alterations will not be permitted to increase the floor area above 90m².

Where the floor area exceeds 90m² no additions to the dwelling, other than a verandah, pergola or the like are permitted.