



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Forbes Local Environmental Plan 2013 (Amendment No 3)

Your ref: PP_2016_FORBE_001_00 Melissa Willemsen-Bell
Our ref: AE e2016-203.d04

In my opinion the attached draft environmental planning instrument may legally be made.



(D COLAGIURI)
Parliamentary Counsel

20 October 2016



New South Wales

Forbes Local Environmental Plan 2013 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

A handwritten signature in black ink, appearing to be "Danny Green".

Minister for Planning

*Danny Green
General Manager*

*Signed under delegation for Forbes Shire Council
as delegate for the Minister for Planning.*

20.10.16.

Forbes Local Environmental Plan 2013 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Forbes Local Environmental Plan 2013 (Amendment No 3)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Forbes Local Environmental Plan 2013* applies.

Schedule 1 Amendment of Forbes Local Environmental Plan 2013

[1] Clause 4.1AA

Omit the clause. Insert instead:

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
 - (a) to encourage housing diversity without adversely impacting on residential amenity,
 - (b) to minimise the fragmentation and isolated development of rural land,
 - (c) to permit medium density development in appropriate zones,
 - (d) to promote infill development.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone RU5 Village,
 - (d) Zone R1 General Residential,
 - (e) Zone R5 Large Lot Residential,
 - (f) Zone B2 Local Centre,
 - (g) Zone SP3 Tourist,
 - (h) Zone RE2 Private Recreation,
 - (i) Zone E3 Environmental Management.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) Despite subclause (3), the size of any lot resulting from a subdivision of land to which this clause applies may be less than the minimum size shown on the Lot Size Map in relation to that land if:
 - (a) the land is in Zone R1 General Residential or Zone B2 Local Centre and the subdivision is for the purpose of residential accommodation or tourist and visitor accommodation, or
 - (b) the subdivision is for a purpose other than residential accommodation or tourist and visitor accommodation.

[2] Clause 4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential, special purpose, recreation and environment protection zones

Omit clause 4.2A (2) (c). Insert instead:

- (c) Zone RU5 Village,
- (d) Zone R5 Large Lot Residential,
- (e) Zone SP3 Tourist,
- (f) Zone RE2 Private Recreation,
- (g) Zone E3 Environmental Management.