



Leeton Local Environmental Plan No 42

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00230/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 133

Clause 1 Leeton Local Environmental Plan No 42

Leeton Local Environmental Plan No 42

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Leeton Local Environmental Plan No 42*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone part of the land to which this plan applies to Zones Nos 2 (a) and 2 (c) (Residential), Zone No 3 (b) (Special Business) and Zone No 4 (a) (General Industrial) under *Leeton Local Environmental Plan No 4*, and
- (b) to allow development that would be otherwise prohibited to be carried out on certain State Rail Authority land within Zone No 5 (b) (Special Uses) under *Leeton Local Environmental Plan No 4*, but only if the development is permitted (with or without consent) on adjoining land, and
- (c) to prohibit development for the purposes of boarding houses, car repair stations and certain dwellings on certain State Rail Authority land, and
- (d) to allow a part of the land to which this plan applies to be used for the purposes of storage and warehousing, and
- (e) to allow a part of the land to which this plan applies to be used for the purposes of rural worker's dwellings, and
- (f) to permit development for the purpose of frost control fans within Zone Nos 1 (a) and 1 (b) (Rural) under *Leeton Local Environmental Plan No 4* only with consent, and
- (g) to provide that development for the purpose of a frost control fan is advertised development under clause 29 of *Leeton Local Environmental Plan No 4*.

3 Land to which plan applies

This plan applies to the following land:

- (a) State Rail Authority land as shown edged heavy black and marked with diagonal black lines on Sheet 1 of the map marked "Leeton Local Environmental Plan No 42" deposited in the office of Leeton Shire Council and as shown edged heavy black and marked "2 (a)" and "3 (b)" on Sheet 1 of that map,
- (b) Lot 3, DP 1014641, corner Oak Street and Railway Avenue, Leeton, part Lot 13, Section 3, DP 758606 Church Street, Leeton, Lots 1 and 2, Section 9, DP 1029409, corner Church Street and Linden Lane, Leeton as shown edged heavy black on Sheet 1 of that map,
- (c) part Lot 1, DP 578051, corner Brady Way and Caloro Street, Leeton as shown edged heavy black on Sheet 1 of that map,
- (d) part Lot 9, Section 31, DP 759086 Melbergen Street, Whitton, as shown edged heavy black on Sheet 2 of that map,
- (e) Lots 1 and 3, DP 751693, Kooba Station Regional Road 539, Whitton,
- (f) all land within Zone No 1 (a) or 1 (b) under *Leeton Local Environmental Plan No 4*.

4 Amendment of Leeton Local Environmental Plan No 4

Leeton Local Environmental Plan No 4 is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 5 Interpretation

Insert in alphabetical order in clause 5(1):

frost control fan means a structure used for the dispersal of frost and includes a device used for that purpose that consists of a tower with a propeller or blade at the top. An engine may be mounted at the base of the tower to drive the propeller or blade.

[2] Clause 5 (1)

Insert at the end of the definition of *the map*:

Leeton Local Environmental Plan No 42

[3] Clause 8 Carrying Out of Development

Insert “or frost control fans” after “intensive livestock keeping establishments” wherever occurring in Column II of the matter relating to Zones Nos 1 (a) and 1 (b) in the Table to clause 8.

[4] Clause 29

Omit the clause. Insert instead:

29 Advertised development

The following development is identified as advertised development for the purposes of the Act:

- (a) development for the purpose of a residential flat building,
- (b) development for the purpose of a frost control fan.

[5] Clause 30C

Insert after clause 30B:

30C Development on State Rail Authority Land

- (1) This clause applies to State Rail Authority land as shown edged heavy black and marked with diagonal black lines on Sheet 1 of the map marked “Leeton Local Environmental Plan No 42” and as shown edged heavy black and marked “2 (a)” and “3 (b)” on Sheet 1 of that map.

- (2) Despite any other provision of this plan, a person must not carry out development for any of the following purposes on land shown edged heavy black and marked “3 (b)” on Sheet 1 of the map marked “Leeton Local Environmental Plan No 42”:
- (a) a boarding house,
 - (b) a car repair station,
 - (c) a dwelling associated with any other purpose included in Column IV of the Table to clause 8 in the matter relating to Zone No 3 (b).
- (3) A person may with development consent carry out development on land to which this clause applies (other than land described in subclause (2)) that would in the absence of this clause be prohibited, but only if the development would be permitted (with or without consent) on land adjoining the land on which the development is proposed to be carried out.

[6] Schedule 6 Development for certain additional purposes

Insert at the end of the Schedule:

Land bounded by Acacia Avenue and Oak Street, Leeton as shown edged heavy black and marked “3 (b)” on Sheet 1 of the map marked “Leeton Local Environmental Plan No 42”—storage and warehousing.

Lots 1 and 3, DP 751693, Kooba Station Regional Road 539, Whitton—rural worker’s dwellings.