

# Leeton Local Environmental Plan No 4 (1983 EPI 33)

[1983-33]



New South Wales

## Status Information

### Currency of version

Historical version for 17 July 2009 to 25 November 2010 (accessed 17 July 2024 at 20:00)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 17 July 2009

# Leeton Local Environmental Plan No 4 (1983 EPI 33)



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of plan .....	5
2 Land to which plan applies .....	5
3 Relationship to other environmental planning instruments .....	5
4 Arrangement .....	5
5 Interpretation .....	5
6 Model Provisions .....	9
7 Consent authority .....	9
<b>Part 2 General restrictions on development of land</b> .....	9
8 Carrying out of development .....	9
<b>Part 3 Special provisions</b> .....	24
9 Interpretation .....	24
9A Outcomes for the Peripheral Area .....	24
10 Subdivision of land within Zone No 1 (a), 1 (b) or 1 (f) outside irrigation areas .....	25
11 Subdivision and erection of dwelling-houses within Zone No 1 (a), 1 (b) or 1 (f) in an irrigation area .....	26
12 Subdivision of land within Zone No 1 (c) .....	27
13 Subdivision of land within Zone No 1 (d) .....	28
14 Dwelling-houses in Zone No 1 (a), 1 (b) or 1 (f) not within an irrigation area .....	28
14A Dwelling entitlements on existing concessional lots .....	29
15 (Repealed) .....	29

16 Dwelling-house in Zone No 1 (c) or 1 (d) .....	29
16A Dual occupancies within Zone No 1 (c) .....	29
17 Dwelling-houses—Zone No 2 (a), 2 (b), 2 (c), 2 (d) or 2 (e) .....	30
18 Residential flat buildings—Zone No 2 (a), 2 (b), 2 (c) or 2 (e) .....	30
19 Residential density in Zone No 2 (b) or 2 (c) .....	31
20 Distance from main roads .....	31
21 Hotels .....	31
22 Motel .....	31
23 Showrooms .....	32
24 Service stations .....	32
25 Height of buildings .....	32
26 River bank protection .....	33
27 Development in water supply and drainage channels .....	33
28 Flood liable land .....	33
29 Advertised development .....	34
30 Certain development—Yanco Avenue, Leeton .....	34
30A Development for certain additional purposes .....	34
30B Development of certain land bounded by Acacia Avenue, Pine Avenue and Belah Street, Leeton .....	35
30C Development on State Rail Authority land .....	35
31 Community use of school facilities and sites .....	35
32 Council schedule of heritage items .....	36
33 Items of the environmental heritage .....	36
34 Advertising of applications to demolish .....	37
35 Development in the vicinity of an item of the environmental heritage .....	37
36 Development incentive .....	37
37 Development requiring contribution .....	37
38 Suspension of certain laws, etc .....	38
39 Development near aerodrome .....	38
40 Sound insulation of buildings near aerodrome .....	39
<b>Schedule 1</b> .....	<b>39</b>
<b>Schedule 2</b> .....	<b>40</b>

<b>Schedule 3</b> .....	41
<b>Schedule 4</b> .....	41
<b>Schedule 5</b> .....	42
<b>Schedule 6</b> .....	43

# Leeton Local Environmental Plan No 4 (1983 EPI 33)



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Leeton Local Environmental Plan No 4*.

### 2 Land to which plan applies

- (1) This plan applies to the whole of the land within the Shire of Leeton as shown on the map with boundaries as indicated on the map.
- (2) However, this Plan does not apply to land to which *Leeton Local Environmental Plan No 35* applies.

### 3 Relationship to other environmental planning instruments

This plan repeals *Interim Development Order No 1—Shire of Leeton* and Leeton Local Environmental Plan Nos 1, 2 and 3.

### 4 Arrangement

This plan is divided as follows:

Part 1—Preliminary—cll 1-7.

Part 2—General restrictions on development of land—cl 8.

Part 3—Special provisions—cll 9-37.

Schedules.

### 5 Interpretation

- (1) In this plan, except in so far as the context or subject matter otherwise indicates or requires:

***appointed day*** means the day upon which this plan takes effect.

**caravan park** means a building or place used for the parking of caravans and the erection of camps, in each case to be used for:

- (a) tourist and recreational purposes, or
  - (b) accommodation for seasonal workers engaged in agriculture or rural industries,
- and includes any kiosk or other similar facility situated in the building or at the place.

**council** means the Council of the Shire of Leeton.

**demolition**, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of that building or work, in whole or in part.

**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.

**high security (horticulture) water allocation** means an allocation of irrigation water on terms that, for the irrigation of permanent plantings under normal circumstances, will result in access to 100% of the allocation annually.

**horticulture** means use of any land within the irrigation areas or districts having a high security (horticulture) water allocation or intensive farming of trees, vines, or other permanent plantings, or both.

**intensive livestock keeping establishment** means a building or place in which or on which cattle, sheep, goats, poultry or other livestock are held for the purpose of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes:

- (a) a feedlot,
- (b) a piggery,
- (c) a poultry farm,
- (d) a fish farm (including a farm for nurturing crustaceans or oysters or both),

but does not include an animal boarding or training establishment or a place used for keeping livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land on which the establishment is situated.

**item of the environmental heritage** means a building, work, relic or place:

- (a) described in Schedule 4 or shown coloured orange on the map, or
- (b) described in a schedule or heritage items adopted for the time being by the

council under clause 32 (1).

**irrigation area** means an irrigation area within the meaning of the *Irrigation Act 1912*.

**recreation area** means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used by the council to provide recreational facilities for the community, or
- (d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include a racecourse or a showground.

**relic** means any deposit, object or material evidence relating to settlement, including aboriginal habitation, prior to 1 January 1900, or such other date as may be determined by the council.

**renovation**, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work,  
or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

**showroom** means a building or place used for the display or sale of boats, caravans, earth moving equipment or other similar equipment, farm machinery, industrial machinery, motor cycles, motor vehicles, trailers or other similar equipment, whether or not spare parts or accessories for those vehicles or that equipment are sold or displayed therein or thereat.

**stock and sale yard** means a building or place used for the purpose of offering animals for sale, including a public cattle market, but does not include a building or place used for the purpose of offering for sale the stock of the farm on which it is erected or where it is situated.

**the map** means the map marked "*Leeton Local Environmental Plan No 4*", as amended by the maps marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Leeton Local Environmental Plan No 6*

*Leeton Local Environmental Plan No 7*

*Leeton Local Environmental Plan No 8*

*Leeton Local Environmental Plan No 10*

*Leeton Local Environmental Plan No 11*

*Leeton Local Environmental Plan No 12*

*Leeton Local Environmental Plan No 13*

*Leeton Local Environmental Plan No 14*

*Leeton Local Environmental Plan No 16*

*Leeton Local Environmental Plan No 21*

*Leeton Local Environmental Plan No 22*

*Leeton Local Environmental Plan No 23*

*Leeton Local Environmental Plan No 24*

*Leeton Local Environmental Plan No 29*

*Leeton Local Environmental Plan No 31*

*Leeton Local Environmental Plan No 34*

*Leeton Local Environmental Plan No 38*

*Leeton Local Environmental Plan No 39*

*Leeton Local Environmental Plan No 42*

*Leeton Local Environmental Plan No 44*

*Leeton Local Environmental Plan No 152*

**veterinary premises** means a building or place used by a registered veterinary surgery, and includes an animal hospital, a veterinary practitioner or a veterinary clinic.

- (2) In this plan, except in so far as the context or subject-matter otherwise indicates or requires, a reference:
- (a) to a building or place used for a purpose, includes a reference to a building or place intended to be used for the purpose,



(b) to a map, is a reference to a map deposited in the office of the council, and

(c) to land within a zone specified in Column 1 of the Table to clause 8, is a reference to land shown on the map in the manner indicated in that Column of that Table as the means of identifying land of the zone so specified.

(3) Notes in this plan do not form part of this plan.

## 6 Model Provisions

(1) Except as provided in subclause (2), the *Environmental Planning and Assessment Model Provisions 1980*, other than the definitions of **motor showroom** and **stock and sale yard** in clause 4 (1) and clauses 22, 34 and 36, are adopted for the purposes of this plan.

(2) The *Environmental Planning and Assessment Model Provisions 1980*, apply to in respect of the land to which this plan applies as if:

(a) clause 15 applied only to and in respect of land with Zone No 2 (a),

(b) the references in clause 19 (i) and (k) to 3 metres and 24 metres, respectively, were references to 4 metres and 25 metres, respectively, and

(c) clauses 20 (1) (a) and (b) were omitted and the following paragraphs were inserted instead:

(a) a vehicle entrance to, or exit from, the drive-in theatre shall not be located within 92 metres of a main or arterial road,

(b) a vehicular drive-way, not more than 15 nor less than 12 metres wide and sufficient in area to accommodate at any one time not less than 70 motor cars, shall be provided on the site of the drive-in theatre between the public vehicular entrance to the drive-in theatre and the ticket-box nearest to that entrance, and

## 7 Consent authority

The council shall be the consent authority for the purposes of this plan.

## Part 2 General restrictions on development of land

### 8 Carrying out of development

Except as otherwise provided in this plan, the purposes:

(a) for which development may be carried out without development consent,

(b) for which development may be carried out:

- (i) only with development consent but where that consent cannot be refused, and
- (ii) subject to such conditions as may be imposed under section 91 of the Act,
- (c) for which development may be carried out only with development consent, and
- (d) for which development is prohibited,

on land within each of the zones specified in Column 1 of the Table to this clause are respectively shown opposite thereto in Column 2, 3, 4 and 5 of that Table.

Column 1 Zone and colour or indication on the map	Column 2 Purposes for which development may be carried out <i>without</i> development consent	Column 3 Purposes for which development may be carried out such conditions as <i>may be</i> imposed under this Act	Column 4 Purposes for which development may be carried out <i>only with</i> development consent	Column 5 Purposes for which development is <i>prohibited</i>
1. RURAL:				
(a) Rural "A". Light brown and lettered 1 (a)	Agriculture (other than intensive livestock keeping establishments or frost control fans).	...	Any purpose other than those included in Column 2 or 5.	Boarding-houses; bulk stores; car repair stations; commercial premises; helipads; heliports; industries (other than hazardous industries, home industries, offensive industries or rural industries); junk yards; residential flat buildings; retail plant nurseries; shops (other than general stores); showrooms; taverns; warehouses.

(b) Arterial Road Frontages. Light brown with heavy black edging and lettered 1 (b).	Agriculture (other than intensive livestock keeping establishments or frost control fans).	...	Any purpose other than those included in Column 2 or 5.	Boarding-houses; bulk stores; caravan parks; car repair stations; commercial premises; general stores; helipads; heliports; hospitals; hotels; industries (other than home industries or rural industries); junk yards; liquid fuel depots; motels; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings; retail plant nurseries; roadside stalls; service stations; shops; showrooms; taverns; tourist facilities; transport terminals; veterinary premises; warehouses.
--	--	-----	---	--

(c) Small-holdings. Light brown with heavy black edging and lettered 1 (c).	Agriculture (other than intensive livestock keeping establishments); forestry.	...	Any purpose other than those included in Column 2 or 5.	Boarding-houses; bulk stores; car repair stations; commercial premises; extractive industries; generating works; general stores; helipads; heliports; industries (other than home industries or rural industries); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings; retail plant nurseries; roadside stalls; rural worker's dwellings; sawmills; service stations; shops; showrooms; stock and sale yards; taverns; tourist facilities; transport terminals; warehouses.
---	--	-----	---	---

<p>(d) Future Urban. Light brown with heavy black edging ... and lettered 1 (d).</p>	...	...	<p>Any purpose other than those included in Column 5.</p>	<p>Advertisements; advertising structures; boarding-houses; bulk stores; car repair stations; clubs; commercial premises; educational establishments; extractive industries; generating works; general stores; helipads; heliports; hospitals; hotels; industries (other than home industries); institutions; intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motels; places of assembly; public buildings; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings; retail plant nurseries; roadside stalls; rural worker's dwellings; sawmills; service stations; shops; showrooms; stock and sale yards; taverns; tourist facilities; transport terminals; veterinary premises.</p>
--	-----	-----	---	---

<p>(f) Forests. Light brown with heavy black edging and lettered 1 (f).</p>	<p>Forestry.</p>	<p>...</p>	<p>Any purpose other than those included in Column 2 or 5.</p>	<p>Advertisements; advertising structures; boarding-houses; bulk stores; caravan parks; child care centres; clubs; car repair stations; commercial premises; educational establishments; generating works; general stores; helipads; heliports; hospitals; hotels; industries (other than rural industries for the purpose of timber storage); institutions; junk yards; liquid fuel depots; motels; places of assembly; places of public worship; public buildings; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings; retail plant nurseries; roadside stalls; service stations; stock and sale yards; shops; showrooms; taverns; tourist facilities; transport terminals; veterinary premises; warehouses.</p>
---	------------------	------------	--	---

2. RESIDENTIAL:

(a) Residential  
"A".  
Light scarlet  
with heavy  
black edging  
and lettered 2  
(a).

Dwelling-  
houses.

...

Any purpose  
other than  
those included  
in Column 2 or  
5.

Advertisements;  
advertising structures;  
boarding-houses; bulk  
stores; car repair  
stations; caravan parks;  
clubs; commercial  
premises; forestry;  
generating works; gas  
holders; general stores;  
helipads; heliports;  
hotels; industries;  
institutions; junk yards;  
liquid fuel depots; mines;  
motels; places of  
assembly; recreation  
establishments;  
recreation facilities;  
refreshment rooms; retail  
plant nurseries; roadside  
stalls; sawmills; service  
stations; shops;  
showrooms; stock and  
sale yards; taverns;  
tourist facilities; transport  
terminals; veterinary  
premises; warehouses.

(b) Residential  
"B".  
Light scarlet  
with heavy  
black edging  
and lettered 2  
(b).

Dwelling-  
houses.

...

Any purpose  
other than  
those included  
in Column 2 or  
5.

Advertisements;  
advertising structures;  
boarding-houses; bulk  
stores; car repair  
stations; caravan parks;  
clubs; commercial  
premises; forestry;  
generating works; gas  
holders; general stores;  
helipads; heliports;  
hotels; industries;  
institutions; junk yards;  
liquid fuel depots; mines;  
motels; places of  
assembly; recreation  
establishments;  
recreation facilities;  
refreshment rooms; retail  
plant nurseries; roadside  
stalls; sawmills; service  
stations; shops;  
showrooms; stock and  
sale yards; taverns;  
tourist facilities; transport  
terminals; veterinary  
premises; warehouses.



(c) Residential "C". Light scarlet with heavy black edging and lettered 2 (c).	Dwelling- houses.	...	Any purpose other than those included in Column 2 or 5.	Advertisements; advertising structures; bulk stores; car repair stations; caravan parks; clubs; commercial premises; forestry; generating works; gas holders; general stores; helipads; heliports; hotels; industries; institutions; junk yards; liquid fuel depots; mines; motels; places of assembly; recreation establishments; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; service stations; shops; showrooms; stock and sale yards; taverns; tourist facilities; transport terminals; veterinary premises; warehouses.
--	----------------------	-----	---	--

(d) Residential "D". Village. Light scarlet with heavy black edging and lettered 2 (d).	...	...	Advertisements; advertising structures; agriculture; caravan parks; child care centres; clubs; commercial premises; dwelling- houses; educational establishments; home industries; hospitals; hotels; open spaces; places of assembly; places of public worship; professional consulting rooms; public buildings; public utility undertakings; recreation facilities; refreshment rooms; rural industries; service stations; utility installations (other than gas holders or generating works).  Any purpose other than those included in Column 4.
---	-----	-----	--

(e) Future Residential. Light scarlet with heavy black edging and lettered 2 (e).	...	...	Any purpose other than those included in Column 5.	<p>Advertisements; advertising structures; boarding-houses; bulk stores; car repair stations; caravan parks; clubs; commercial premises; forestry; generating works; gas holders; general stores; helipads; heliports; hotels; industries; institutions; junk yards; liquid fuel depots; mines; motels; places of assembly; recreation establishments; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; service stations; shops; showrooms; stock and sale yards; taverns; tourist facilities; transport terminals; veterinary premises; warehouses.</p>
---	-----	-----	--	--

3. BUSINESS:

(a) General Business. Light blue with heavy black edging and lettered 3 (a).	...	Commercial premises not exceeding 300 sq metres in gross floor area; shops not exceeding 200 square metres in gross floor area.	Any purpose other than those included in Column 3 or 5.	<p>Boarding-houses and dwellings) other than those above or attached to shops or commercial premises); bulk stores; car repair stations; caravan parks; generating works; gas holders; helipads; heliports; industries referred to in Schedule 1; institutions; junk yards; liquid fuel depots; mines; recreation establishments; roadside stalls; stock and sale yards; taverns; tourist facilities; transport terminals; warehouses.</p>
--	-----	---	---	--

(b) Special  
Business.  
Light blue with  
heavy black ...  
edging and  
lettered 3 (b).

Advertisements;  
advertising  
structures;  
boarding-  
houses;  
dwellings  
associated with  
any other  
purpose  
included in this  
Column; child  
care centres;  
clubs;  
commercial  
premises; home  
occupations;  
hotels; light  
industries;  
motels; open  
space; places of  
assembly;  
public buildings;  
public utility  
undertakings;  
recreation  
facilities;  
refreshment  
rooms; service  
stations;  
showrooms;  
utility  
installations  
(other than  
generating  
works or gas  
holders).

Any purpose other than  
those included in Column  
4.

<p>(c) Special Business. Light blue with heavy black edging and lettered 3 (c).</p>	<p>...</p>	<p>...</p>	<p>Advertisements; advertising structures; agriculture; bulk stores; open space; public utility undertakings; recreation facilities; refreshment rooms; retail plant nurseries; road transport terminals; rural industries; service stations; shops; utility installations (other than generating works or gas holders); warehouses.</p>	<p>Any purpose other than those included in Column 4.</p>
---	------------	------------	--	---

4. INDUSTRIAL:

<p>(a) General Industrial. Purple with heavy black edging and lettered 4 (a).</p>	<p>...</p>	<p>Industries specified in Schedule 2; utility installations (other than generating works or gas holders).</p>	<p>Any purpose other than those included in Column 3 or 5.</p>	<p>Boarding-houses; caravan parks; dwelling-houses (other than those used in conjunction with industry and situated on the same land as the industry); educational establishments; extractive industries; general stores; hospitals; hotels; institutions; mines; motels; offensive or hazardous industries; residential flat buildings; retail plant nurseries; roadside stalls; shops (other than those referred to in Schedule 3); stock and sale yards; taverns; tourist facilities.</p>
---	------------	--	--	--

<p>(b) Light Industrial. Purple with heavy black edging and lettered 4 (b).</p>	<p>...</p>	<p>Light industries.</p>	<p>Any purpose other than those included in Column 3 or 5.</p>	<p>Boarding-houses; dwelling-houses and residential flat buildings (other than those used in conjunction with industry and situated on the same land as the industry); caravan parks; child care centres; educational establishments; general stores; helipads; heliports; hospitals; hotels; industries (other than home industries or light industries); institutions; junk yards; liquid fuel depots; mines; motels; places of assembly; places of public worship; retail plant nurseries; roadside stalls; shops (other than those referred to in Schedule 3); stock and sale yards; taverns; tourist facilities.</p>
---	------------	--------------------------	--	---

5. SPECIAL USES:

<p>(a) Special Uses "A". Yellow with heavy black edging and lettered A with a bracketed number.</p>	<p>...</p>	<p>The particular purpose indicated in relation to the bracketed number on the map.</p>	<p>Any purpose incidental or subsidiary to the purpose referred to in Column 3; open space; public utility undertakings; uses which in the opinion of the council are public purposes; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 3 or 4.</p>
---	------------	---	--	--

<p>(b) Special Uses "B" (Railways). Blue purple with heavy black edging and lettered 5 (b).</p>	<p>...</p>	<p>...</p>	<p>Railways.</p>	<p>Any purpose other than those included in Column 4.</p>
---	------------	------------	------------------	---

6. OPEN SPACE:

<p>(a) Existing Recreation. Dark green with heavy black edging and lettered 6 (a).</p>	<p>...</p>	<p>Children's playgrounds; drill grounds; gardens; parks; public baths; public reserves; race courses; showgrounds; sportsgrounds; uses or buildings under the care, control and management of the council.</p>	<p>Agriculture; caravan parks; forestry; public utility undertakings; recreation areas; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 3 or 4.</p>
--	------------	---	---	--

<p>(b) Proposed Recreation. Light green with heavy black edging and lettered 6 (b).</p>	<p>...</p>	<p>Children's playgrounds; drill grounds; gardens; parks; public baths; public reserves; race courses; showgrounds; sportsgrounds; uses or buildings under the care, control and management of the council.</p>	<p>Agriculture; caravan parks; forestry; public utility undertakings; recreation areas; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 3 or 4.</p>
---	------------	---	---	--

## Part 3 Special provisions

### 9 Interpretation

In this Part:

**concessional allotment** means:

- (a) an allotment excised in accordance with clause 11 (2) or (3) of *Interim Development Order No 1—Shire of Leeton* as in force immediately before 4 April 1975,
- (b) an allotment created in accordance with clause 11 (2) or (3) of *Interim Development Order No 1—Shire of Leeton* as in force immediately before the appointed day,
- (c) an allotment referred to in clause 10 (5) (a).
- (d) (Repealed)

**existing holding** means:

- (a) except as provided in paragraph (b), the area of a lot, portion or parcel of land as it was at 18 October 1968, or
- (b) where, as at 18 October 1968, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the areas of those lots, portions or parcels as they were at 18 October 1968.

### 9A Outcomes for the Peripheral Area

- (1) **Definition** In this clause, **Peripheral Area** means the land shown edged heavy black on the map marked “*Leeton Local Environmental Plan No 33*”.
- (2) **Consent required for buildings and subdivision works** Development for the purpose of buildings and subdivision works may be carried out within the Peripheral Area only with the consent of the council, despite anything else in this plan.
- (3) **Restriction on granting consent** The council must not grant consent for any development within the Peripheral Area unless it is satisfied that carrying out the proposed development will be consistent with achieving the following outcomes:

- (a) **Limit on growth of towns**

The boundary of the Peripheral Area is to be the boundary for the expansion of the towns of Leeton and Yanco.

- (b) **Servicing**

If the proposed development will require the provision of services to any land, the land will be connected to services that the council considers appropriate for the proposed land use and that are provided without cost to the council.



(c) **Land use conflict buffers**

If the proposed development will create a land use conflict, the conflict will be reduced by the provision of adequate buffers within the Peripheral Area.

(d) **Building envelopes**

If the proposed development will (or, in the opinion of the council, will be likely to) result in buildings on an allotment having an area greater than 1 800 square metres, building envelopes will be established to the satisfaction of the council, so that future subdivision may be allowed where the council considers it appropriate.

**10 Subdivision of land within Zone No 1 (a), 1 (b) or 1 (f) outside irrigation areas**

- (1) This clause applies to land within Zone No 1 (a), 1 (b) or 1 (f), being land that is not within an irrigation area.
- (2) Except as provided by subclause (8), a person shall not subdivide land to which this clause applies without the consent of the council granted in accordance with this clause.
- (3) The council shall not consent to an application to subdivide land to which this clause applies, except in accordance with subclause (4), (5) or (7).
- (4) The council may consent to an application to subdivide land to which this clause applies, if each separate allotment of land created by the subdivision has:
  - (a) an area of not less than 40 hectares,
  - (b) a ratio of depth to frontage satisfactory to the council, having regard to the purpose for which the allotment is or is intended to be used, and
  - (c) where the allotments has a frontage to a main or arterial road, a frontage to that road of not less than 400 metres.
- (5) The council may consent to an application to subdivide land to which this clause applies (not being land which forms the whole or part of an existing holding of less than 10 hectares in area) for the following purpose:
  - (a) to create an allotment of less than 40 hectares but not less than 2 hectares, if the council is satisfied that:
    - (i) the allotment is intended to be used for the purpose of agriculture,
    - (ii) the ratio of depth to frontage is satisfactory having regard to the intended use of the allotment for the purpose of agriculture, and
    - (iii) where the allotment has a frontage to a main or arterial road, the frontage is not less than 200 metres.

(b) (Repealed)

(6) (Repealed)

(7) The council may consent to an application to subdivide land to which this clause applies so as to create an allotment of less than 40 hectares, if the council is satisfied that:

(a) the allotment is intended to be used for a purpose (other than agriculture, forestry or a dwelling-house) for which it may be used without or only with the consent of the council,

(b) the ratio of depth to frontage is satisfactory to the council, having regard to the purpose for which the allotment is intended to be used, and

(c) where the allotment has a frontage to a main or arterial road, the frontage is not less than 200 metres.

(8) The consent of the council to the subdivision of land to which this clause applies is not required if the subdivision is for the purpose of opening a public road.

**Note—**

Clause 9 of the [State Environmental Planning Policy \(Rural Lands\) 2008](#) enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

**11 Subdivision and erection of dwelling-houses within Zone No 1 (a), 1 (b) or 1 (f) in an irrigation area**

(1) This clause applies to land within Zone No 1 (a), 1 (b) or 1 (f), being land within an irrigation area.

(2) A person must not subdivide land to which this clause applies except with the consent of the council.

(3) The council must not consent to the subdivision of land to which this clause applies unless the council is satisfied that each new allotment is unlikely to affect adversely the agricultural capability of the adjoining land, whether or not it is land to which this clause applies.

(4) The council may consent to the erection of up to two, but no more than two, dwelling-houses on an allotment of land to which this clause applies if:

(a) the dwelling-house or houses is or are to be used in conjunction with an established lawful use, allowed with or without consent, or in conjunction with a lawful use allowed with or without consent that will be established at the same time the dwelling-house or houses is or are erected, and

(b) in the case of land used or suitable for horticulture, the land:

- (i) has an area of not less than 20 ha, or
  - (ii) comprises the whole of a specified holding, the area of which is less than 20 ha and which is vacant, and
- (c) in the case of land used for agricultural purposes other than horticulture, the land:
- (i) has an area of not less than 150 ha, or
  - (ii) comprises the whole of a specified holding the area of which is less than 150 ha and which is vacant.

(5) In this clause, ***specified holding*** means:

- (a) the area of a lot, portion or parcel of land as it was when this clause (as inserted by *Leeton Local Environmental Plan No 27*) took effect, or
- (b) where, at that time, a person owned two or more adjoining or adjacent lots, portions or parcels, the aggregation of the areas of those lots, portions or parcels as they were at that time.

## **12 Subdivision of land within Zone No 1 (c)**

- (1) Except as provided by subclause (3), a person shall not subdivide land within Zone No 1 (c) without the consent of the council.
- (2) The council shall not consent to the subdivision of land to which this clause applies, unless each allotment created by the subdivision:
  - (a) has an area of not less than 4 000 square metres,
  - (b) has an area which, in the opinion of the council, is sufficient to enable the disposal, within the curtilage of the allotment, of sullage or other water borne wastes, and
  - (c) is provided with subsoil drainage.
- (3) The consent of the council to the subdivision of land to which this clause applies is not required if the subdivision is for the purpose of opening a public road.
- (4) Notwithstanding subclause (2), the Council may consent to the subdivision of land within Zone No 1 (c) shown on the map by heavy black edging and cross hatching if:
  - (a) each allotment to be created by the subdivision has an area of not less than 1500 square metres,
  - (b) each allotment to be created will be provided with a reticulated town water supply and town sewerage system, to the satisfaction of the council, and
  - (c) each allotment to be created will have frontage to a public road which is sealed or

will be sealed to the satisfaction of the council.

**13 Subdivision of land within Zone No 1 (d)**

- (1) Except as provided by subclause (2), a person shall not subdivide land within Zone No 1 (d).
- (2) A person may, without the consent of the council, subdivide land within Zone No 1 (d) if the subdivision is for the purpose of opening a public road or for the purpose referred to in clause (6) (a) of *State Environmental Planning Policy No 4—Development Without Consent*.

**14 Dwelling-houses in Zone No 1 (a), 1 (b) or 1 (f) not within an irrigation area**

- (1) This clause applies to land within Zone No 1 (a), 1 (b) or 1 (f), being land that is not within an irrigation area.
- (2) Development for the purposes of a dwelling-house shall not be carried out on land to which this clause applies without the consent of the council.
- (3) The council shall not consent to an application made in the pursuance of subclause (2), unless the land:
  - (a) has an area of not less than 40 hectares,
  - (b) is a concessional allotment and the development could have been carried out on the allotment either with or without the council's consent on the day on which the allotment was created,
  - (c) comprises the whole of an existing holding, within the meaning of clause 9 or an existing holding affected only by a subdivision for the purpose of opening a public road or for any purpose referred to in clause 6 (a) of *State Environmental Planning Policy No 4—Development Without Consent*,
  - (d) is an allotment created in accordance with clause 11 (1) of *Interim Development Order No 1—Shire of Leeton* as in force immediately before 4 April 1975, or
  - (e) is an allotment created in pursuance of clause 10 (7) of this plan or of clause 11 (4) of *Interim Development Order No 1—Shire of Leeton*, as in force immediately before the appointed day, and the council is satisfied that the dwelling-house is intended to be used in conjunction with a purpose for which the allotment could be used under this plan.
- (4) One dwelling-house (in addition to that or those, if any, erected on the land immediately before the appointed day) may, with the consent of the council, be erected on land to which this clause applies which has an area of not less than 40 hectares for each 40 hectares of the land if the council is satisfied that each additional dwelling-house will be actually occupied by a person employed or engaged by the

owner of the land in the use, for the purpose of agriculture, of that land or land belonging to the owner which adjoins or is adjacent to that land.

(5), (6) (Repealed)

#### **14A Dwelling entitlements on existing concessional lots**

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

#### **15 (Repealed)**

#### **16 Dwelling-house in Zone No 1 (c) or 1 (d)**

- (1) Except as provided by subclause (2), the council shall not consent to the erection of a dwelling-house on an allotment of land within Zone No 1 (c) or 1 (d), unless:
  - (a) in the case of land within Zone No 1 (c), the allotment has been created in accordance with clause 12,
  - (b) in the opinion of the council, there is or will be adequate vehicular access to the dwelling-house, and
  - (c) a water supply which, in the opinion of the council, is adequate and an electricity supply are or will be available to the dwelling-house.
- (2) Notwithstanding subclause (1), the council may consent to the erection of not more than one dwelling-house on an allotment of land within Zone No 1 (c) or 1 (d) where the allotment was in existence as a separate parcel of land as at 18 October 1968, or was created in accordance with *Interim Development Order No 1—Shire of Leeton*.

#### **16A Dual occupancies within Zone No 1 (c)**

Despite any other provision of this plan, one additional dwelling may, with the consent of the council, be erected on land within Zone No 1 (c), but only if:

- (a) subdivision to create a separate land title for the second dwelling is prohibited, and
- (b) in the opinion of the council, there is or will be adequate vehicular access to the dwelling, and
- (c) a water supply which, in the opinion of the council, is adequate and an electricity supply are or will be available to the dwelling, and

- (d) the land has an area which, in the opinion of the council, is sufficient to enable the disposal, within the curtilage of the allotment, of sullage or other water borne wastes.

**17 Dwelling-houses—Zone No 2 (a), 2 (b), 2 (c), 2 (d) or 2 (e)**

- (1) A person shall not erect a dwelling-house on an allotment of land within Zone No 2 (a), 2 (d) or 2 (e), unless:
  - (a) in the case of an allotment which has a frontage to a road of less than 13 metres, the allotment has an area of not less than 750 square metres, and
  - (b) in any other case, the allotment has an area of not less than 700 square metres and a width at the front alignment of the building of not less than 17 metres.
- (2) A person shall not erect a dwelling-house on an allotment of land within Zone No 2 (b) or 2 (c), unless the allotment has:
  - (a) except as provided in paragraph (b):
    - (i) an area of not less than 500 square metres,
    - (ii) a width at the front alignment of the building of not less than 15 metres, and
    - (iii) a frontage to any road of not less than 13 metres, or
  - (b) in the case of a hatchet-shaped allotment:
    - (i) an area of not less than 650 square metres, and
    - (ii) an access corridor not less than 6 metres wide.
- (3) The area of any access corridor shall not be included in the area of a hatchet-shaped allotment for the purposes of subclause 2 (b) (i).
- (4) One access corridor referred to in subclause (2) (b) (ii) may serve more than one hatchet-shaped allotment.
- (5) Notwithstanding subclauses (1) and (2), a person may erect one dwelling-house on an allotment of land within Zone No 2 (a), 2 (b), 2 (c), 2 (d) or 2 (e), where the allotment was in existence as a separate parcel as at 18 October 1968, or was created in accordance with *Interim Development Order No 1—Shire of Leeton*.

**18 Residential flat buildings—Zone No 2 (a), 2 (b), 2 (c) or 2 (e)**

The council shall not consent to the erection of a residential flat building on an allotment of land within Zone No 2 (a), 2 (b), 2 (c) or 2 (e), where:

- (a) the area of the allotment is less than 750 square metres,
- (b) the width (measured at the front alignment of the building) of the allotment is less

than 20 metres, or

- (c) in the case of land within Zone No 2 (a) or 2 (e), the residential flat building contains more than two dwellings.

**19 Residential density in Zone No 2 (b) or 2 (c)**

The council shall not consent to the erection of a residential flat building on land within Zone No 2 (b) or 2 (c), unless the area of the allotment in square metres is not less than the area calculated by multiplying the number of dwelling in the residential flat building:

- (a) in the case of land within Zone No 2 (b), by 250, or
- (b) in the case of land within Zone No 2 (c), by 100.

**20 Distance from main roads**

A person shall not erect a building on land within a zone specified in Column 1 of the Table to this clause having a frontage to a main road for a purpose specified in Column 2 of that Table shown opposite that zone, if any part of the building will be closer than the distance specified in Column 3 of that Table opposite that purpose to the nearest alignment of the road.

**Table**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Zone</b>	<b>Purpose</b>	<b>Distance in metres from alignment</b>
1 (c)	Hotel, motel	45
1 (b), 1 (c), 1 (f)	Any purpose (other than a hotel, motel, junk yard, transport terminal, offensive or hazardous industry or extractive industry).	30
2 (a), 2 (b), 2 (c), 2 (e)	Any purpose	9

**21 Hotels**

The council shall not consent to the erection of a hotel on an allotment of land:

- (a) within Zone No 1 (a) or 1 (c), having an area of less than 2 hectares, or
- (b) within Zone No 3 (a) or 3 (b), having an area of less than 2 000 square metres.

**22 Motel**

The council shall not consent to the erection of a motel on an allotment of land:

- (a) with Zone No 1 (a) or 1 (c), having an area of less than 7 500 square metres, or
- (b) within Zone No 3 (b), having an area of less than 2 000 square metres.

### **23 Showrooms**

A person shall not carry out development for the purposes of a showroom on any land unless:

- (a) where the land has a frontage to a main or arterial road, vehicular access to the site, where alternative access is available, is only by way of a road, other than the main or arterial road, and
- (b) where the site is a corner lot, the council is satisfied that the layout and placement of vehicles, machinery or other goods on the land will not obstruct the vision of drivers using the intersection.

### **24 Service stations**

Development for the purposes of a service station shall not be carried out on land having an area of less than 1 000 square metres.

### **25 Height of buildings**

- (1) For the purposes of this clause, **floor**:
  - (a) in the case of land within Zone No 2 (b) or 2 (c), shall include a level of a building set aside or designated for the purpose of parking, and
  - (b) in the case of land within Zone No 3 (a), 3 (b), 4 (a) or 4 (b), shall not include a level of a building set aside or designated for the purpose of parking.
- (2) The council shall not consent to the erection of a residential flat building on land within Zone No 2 (b) having more than 1 floor above ground level.
- (3) The council shall not consent to the erection of a residential flat building within Zone No 2 (c) having more than 3 floors above ground level.
- (4) Except as provided by subclause (5), the council shall not consent to the erection of a building within Zone No 3 (a), 3 (b), 4 (a) or 4 (b) having more than 2 floors above ground level.
- (5) The council may consent to the erection of a building having more than 2 floors above ground level on land within Zone No 4 (a) where, in the opinion of the council, it is necessary to do so having regard to the particular purpose for which the building is to be used.



## 26 River bank protection

- (1) In this clause, **bank** means the limit of the bed of any creek, lagoon, lake, river or other natural watercourse.
- (2) A person shall not carry out development on land to which this plan applies forming part of the bank or bed of any creek, lagoon, lake, river or other natural watercourse without the consent of the council.

## 27 Development in water supply and drainage channels

- (1) Subject to subclause (2) development may be carried out on land to which this plan applies, being a water supply or drainage reserve vested in the Water Resources Commission, but only with the consent of the council.
- (2) Development, being the subdivision of land by means of the granting of tenures by the Water Resources Commission, may be carried out without the consent of the council in respect of land to which this plan applies, being a water supply or drainage reserve vested in that Commission.

## 28 Flood liable land

- (1) In this clause:

**flood liable land** means land shown hatched on the map.

**floodway**, in relation to the carrying out of development, means land which, in the opinion of the Water Resources Commission, is subject to a 1 in 20 year flood or which is determined to be a floodway by the Water Resources Commission.

- (2) The council shall not consent to the erection of a dwelling-house on a site consisting wholly or partly of flood liable land, unless any floor of any building that is or will be erected on that site in accordance with that consent shall be not less than 0.5 metres above the level which, at the time of granting development consent, is predicted by the Water Resources Commission to be the highest level which will be attained by floodwater at least once in 100 years over that site or any part thereof.
- (3) A person shall not erect a building or carry out other development on land within a floodway without the consent of the council.
- (4) The council shall not consent to the erection of a building or the carrying out of other development on flood liable land unless it has made an assessment of the following matters:
  - (a) the likelihood of any increase in the level of flooding,
  - (b) the likelihood of a substantial increase in the velocity or floodwaters through any adjoining land,

- (c) the likelihood of erosion or siltation,
- (d) any adverse effect on riparian vegetation,
- (e) the effect on the water table of adjoining land,
- (f) preservation of the natural environment,
- (g) the suitability of any proposed building or structure in terms of design, materials, size, location and ability to withstand floodwaters, and
- (h) the difficulty in carrying out an emergency evacuation in times of flood.

### **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.

### **30 Certain development—Yanco Avenue, Leeton**

- (1) This clause applies to lot 1, DP 716572, Parish of Willimbong, Brobenah Road and Portion 422, Parish of Yarangery, Yanco Avenue, Leeton.
- (2) In this clause **floor area**, in relation to a shop building, means all those parts of the building within which goods are displayed for sale and to which customers have access in the normal course of the use of the building as a shop, but shall not include offices used for the administration of the shop, bulk stores, or stock reserve areas.
- (3) A person shall not subdivide land to which this clause applies for any purpose (other than the purpose of opening a public road or any purpose referred to in clause 6 (a) of [State Environmental Planning Policy No 4—Development Without Consent](#)).
- (4) A person shall not erect more than one dwelling-house on the land to which this clause applies.
- (5) The total floor area of all shop building that are or will be erected on the land to which this clause applies shall not exceed 5 000 square metres.

### **30A Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out developing on land referred to in Schedule 6 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent

with that subclause or with a consent granted by the Council in respect of the development.

**30B Development of certain land bounded by Acacia Avenue, Pine Avenue and Belah Street, Leeton**

- (1) This clause applies Lots 1-12, 30-32, 34 and 35, Section 4, DP 758606, being land bounded by Acacia Avenue, Pine Avenue and Belah Street, Leeton, as shown edged heavy black on the map marked "*Leeton Local Environmental Plan No 38*".
- (2) Despite any provision of this plan, a person must not carry out development on land to which this clause applies for the purpose of a boarding-house or a dwelling associated with any other purpose included in Column 4 of the Table to clause 8 in the matter relating to Zone No 3 (b).

**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 4 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.

**31 Community use of school facilities and sites**

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not any such use is a commercial use of the land.
- (2) Nothing in this clause requires development consent to be granted for the carrying

out of development on any land if that development could, but for this clause, be carried out on that land without development consent.

### **32 Council schedule of heritage items**

- (1) The council may, by resolution, adopt a schedule of building, works, relics or places described in Schedule 4 and which, in the opinion of the council, should be items of the environmental heritage.
- (2) Any item in a schedule adopted by the council pursuant to subclause (1) shall be clearly described and shown on a map and the map shall be deposited in the office of the council and available for inspection at that office by the public during the office hours of the council.
- (3) The council shall, forthwith upon resolving to adopt a schedule of heritage items:
  - (a) cause notice of that resolution to be published in a newspaper circulating in the Shire of Leeton,
  - (b) give notice in writing of the resolution to each person who, according to the records of the council, appears to be an owner or occupier of land upon which an item described in the schedule is situated, and
  - (c) give notice in writing of the resolution to the Secretary of the Department.

### **33 Items of the environmental heritage**

- (1) A person shall not, in respect of a building, work, relic or place that is an item of the environmental heritage:
  - (a) demolish or renovate that building or work,
  - (b) damage or despoil that relic or place or any part of that relic or place,
  - (c) excavate any land for the purpose of exposing or removing that relic, or
  - (d) carry out any development in relation to land on which that building, work or relic is situated or the land which comprises that place,except with the consent of the council.
- (1A) (Repealed)
- (2) The council shall not grant consent under the Act pursuant to subclause (1) in respect of an item of the environmental heritage unless it has made an assessment of:
  - (a) the significance of the item as an item of the environmental heritage of the Shire of Leeton,
  - (b) The extent to which the carrying out of development in accordance with the

consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,

(c) whether any stylistic or horticultural features of the item or its site should be retained, and

(d) whether the item constitutes a danger to the users or occupiers of that item or to the public.

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

(3) (Repealed)

### **34 Advertising of applications to demolish**

Where an application is made for consent to demolish a building or work, which is an item of the environmental heritage, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act shall apply to and in respect of that development in the same way as those provisions apply to and in respect of designated development.

### **35 Development in the vicinity of an item of the environmental heritage**

The council shall not consent to the carrying out of development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development would have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of the environmental heritage and its site.

### **36 Development incentive**

The council, when considering an application to erect a building on an allotment of land upon which there is erected a building which is an item of the environmental heritage, may exclude from its calculations of the floor space of the buildings erected on the allotment the floor space of the item of the environmental heritage:

(a) for the purposes of determining the floor space ratio, and

(b) for the purposes of determining the number of parking spaces to be provided on the site,

but only if, in the opinion of the council, that action would achieve the purpose of conservation and enhancement of the item of the environmental heritage.

### **37 Development requiring contribution**

As a consequence of the carrying out of development in accordance with this plan (as in

force when the development is carried out), this plan identifies a likely increased demand for public amenities and public services as specified in Schedule 5 and stipulates that dedication or contribution under section 94 (1) of the Act, or both, may be required as a condition of any consent to that development.

### 38 Suspension of certain laws, etc

- (1) For the purposes of enabling development to be carried out in accordance with clause 15 of the *Environmental Planning and Assessment Model Provisions 1980* (as in force when the development is carried out) or in accordance with a consent granted under the Act:
  - (a) section 314 (1) (c) of the *Local Government Act 1919*, and
  - (b) Schedule 7 to that Act,to the extent necessary to serve that purpose, shall not apply to any such development.
- (2) Pursuant to section 28 of the Act, before the making of this plan:
  - (a) the Governor approved of subclause (1), and
  - (b) the Minister for the time being administering the provisions of the *Local Government Act 1919*, referred to in that subclause concurred in writing in the recommendation for the approval of the Governor of subclause (1), in so far as that subclause relates to those provisions.

### 39 Development near aerodrome

- (1) In this clause:

**height limitation plan** means Sheet 2 of the map marked "Leeton Local Environmental Plan No 27" which sheet is marked "Narrandera Aerodrome Height Limitation Plan".

**obstacle limitation surface area** means an area of land around Narrandera Aerodrome shown as having a takeoff surface or other obstacle limitation surface on Sheet 1 of the map marked "Leeton Local Environmental Plan No 27" which sheet is marked "Narrandera Aerodrome Obstacle Limitation Surfaces".

- (2) A person must not, without the consent of the council, on land shown on the height limitation plan:
  - (a) erect a building or other structure with a height that exceeds the limitation specified for the land on the height limitation plan, or
  - (b) carry out development for the purpose of:

- (i) a dam or reservoir (not being a water storage dam for a public authority or an on-farm storage dam), or
  - (ii) the disposal of refuse.
- (3) A copy of an application for consent to erect on any land a building or other structure with a height that exceeds the limitation specified for the land on the height limitation plan (as referred to in subclause (2) (a)) must be referred by the council to Airservices Australia for comment where the land is in an obstacle limitation surface area.
- (4) In considering whether to grant consent to development referred to in subclause (3), the council must take into account any comment that is furnished by Airservices Australia within 28 days after referral to it by the council of a copy of the application for consent for the development.

#### **40 Sound insulation of buildings near aerodrome**

- (1) A person must not, without the consent of the council, erect a building on land for which an Australian Noise Exposure Forecast has been prepared by the Civil Aviation Authority or Airservices Australia.
- (2) The council must not grant consent to the erection of a residential building or a building intended for human occupation in an area of land referred to in subclause (1) unless the council is satisfied that measures will be taken which:
- (a) accord with the provisions of Australian Standard AS 2021-1994 *entitled "Acoustics—Aircraft noise intrusion—Building siting and construction"* published by Standards Australia in 1994, and
  - (b) are adequate for the insulation of the building from aircraft noise, where the council considers the frequency of aircraft operation warrants preventative noise protection measures.

### **Schedule 1**

(Clause 8)

Abattoirs.

Agricultural machinery manufacture.

Asbestos cement products manufacture.

Boilermaking.

Brick, tile, pipe or pottery manufacture.

Cement manufacture.

Cement products manufacture.

Electrical plaster manufacture.  
Extractive industry.  
Fibrous plaster manufacture.  
Fireclay products manufacture.  
Glass products manufacture.  
Grain milling.  
Hardboard manufacture.  
Heavy engineering.  
Hot mix or bitumen manufacture.  
Machinery manufacture (heavy).  
Match manufacture.  
Metal foundry.  
Motor body building,  
Motor vehicle manufacturing or assembly.  
Offensive or hazardous industry.  
Plastics manufacture.  
Sawmilling.  
Steel products manufacture.  
Stone cutting or crushing.  
Wire manufacture.

## **Schedule 2**

(Clause 8)

Abrasives manufacture.  
Brooms or brushes manufacture.  
Boots, shoes or accessories manufacture.  
Clothing, knitted goods or hats manufacture.  
Drawing or writing materials manufacture.  
Drugs, patent medicines, cosmetics or other toilet preparations (excluding soap manufacture).



Food, drink or tobacco manufacture (other than meat or fish processing, grain milling, sugar milling or refining).

Furniture or fittings, bedding or furnishing drapery manufacture.

Haberdashery articles manufacture.

Jewellery manufacture, watchmaking, electroplating or minting.

Job or general printing, bookbinding.

Linoleum or leather cloth manufacture.

Manufacture of bicycles, parts or accessories.

Manufacture of goods of leather or leather substitutes.

Manufacture of parts or accessories for motor vehicles, caravans or trailers.

Manufacture or repair of machinery or machinery parts other than agricultural or earthmoving machines (including tractors), stationary machines or power transmitting equipment.

Manufacture or repair of radio or electronic apparatus, electrical machinery or cables.

Manufacture of textile products other than bags or sacks.

Manufacture of cutlery or small tools (not machine), stoves, heaters, metal furniture or builders' hardware.

Musical, surgical or scientific instruments or apparatus manufacture.

Paper products (other than paper board) manufacture.

Plastic products manufacture.

Toys, games or sporting requisites manufacture.

### **Schedule 3**

(Clause 8)

Confectionery shop or milk bar.

Small goods or sandwich shop.

Shop for the sale by retail of goods produced on the premises or for goods normally handled by or in the course of an operation carried out for a purpose included in Column 3 or 4 of the Table to clause 8 opposite Zone No 4 (a), provided the total floor area devoted to retail activities does not exceed 10 per cent of the total of the gross floor areas of each of the buildings on the site.

### **Schedule 4**

(Clauses 32 and 33)

Former Hydro Hotel, Wade Avenue, Leeton.

Roxy Theatre, Pine and Wade Avenues, Leeton.

Former St Peters' Church of England, Church Street, Leeton.

Court House, Wade Avenue, Leeton.

Former Police Station, Gogeldrie Street, Whitton.

The former home of Sir Samuel McCaughey, Yanco Agricultural School, Euroley Bridge Road, Yanco.

Water Storage Towers designed by W. B. Griffin situated in Chelmsford Place, Leeton.

Manager's Residence, Water Resources Commission, Yanco Avenue, Leeton.

## **Schedule 5**

(Clause 36)

- 1** Water supply.
- 2** Sewerage reticulation and sewerage treatment.
- 3** Stormwater drainage purposes.
- 4** Construction and landscaping of stormwater and other drainage structure including drainage swales, retention basins, inlet/outlet systems, culverts and piping systems.
- 5** Electricity and telephone services.
- 6** Construction and landscaping of local roads.
- 7** Public carpark construction and embellishment.
- 8** Construction and embellishment of buffer zones.
- 9** Public open space.
- 10** Embellishments, landscaping and infrastructure provisions for public open space, routes and areas for walkways, cycleways and parking systems, lighting and amenities, active outdoor recreation facilities and structures, sports court facilities, playing fields, swimming facilities, sports grounds and facilities and amenity structures, active indoor recreation structures, facilities and land requirements.
- 11** Community facilities.
- 12** Community facility structures, child care centres, community meeting rooms and halls, community arts centres, community libraries, community health and welfare offices, interim

community houses.

**13** Construction and landscaping of pedestrian, cycle and vehicular access ways.

## **Schedule 6**

(Clause 30A)

Lot 1, DP 800523, Brobenah Road, Leeton—a reception and restaurant complex.

Lot 183, DP 751682, NIP 279, Brobenah Hall Road, Leeton—a rural worker's dwelling.

Lot A, Part 1, Section 33, No 38 Benerembah Street, Whitton—dwelling.

Lot C, DP 100053 (part Lot 1, Section 33), No 34 Benerembah Street, Whitton—motor vehicle body building and general engineering.

Lot 215, DP 751742, Farm 2057, Boronia Road, Leeton—dwelling, garage and ancillary outbuildings.

Lot 196, DP 751745, No 30 Main Avenue, Yanco—gallery, antique sales and refreshment room.

Lot 14, Section 57, DP 758606, known as 12 Yanco Avenue, Leeton—tourist facilities and commercial premises.

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.