

# Leeton Local Environmental Plan No 35 (2000 EPI 216)

[2000-216]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 December 2008 to 9 June 2014 (accessed 21 December 2024 at 17:23)

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.

### Notes—

- **Repeal**

The plan was repealed by cl 1.8 (1) of the [Leeton Local Environmental Plan 2014 \(353\)](#) (LW 10.6.2014) with effect from 10.6.2014.

### 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](#).

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New South Wales

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# Leeton Local Environmental Plan No 35 (2000 EPI 216)



New South Wales

## Part 1 Preliminary

### 1 Name of Plan

This Plan is called *Leeton Local Environmental Plan No 35*.

### 2 Aims of Plan

(1) The aims of this Plan are:

(a) to provide sufficient land for a range of land uses to accommodate:

(i) differing life styles, incomes and cultures, and

(ii) economic and employment opportunities for the benefit of business and residents, and

(iii) services and facilities that are well located and responsive to the needs of the community, and

(b) to protect environmentally sensitive areas from inappropriate development, and

(c) to provide for an appropriate balance and distribution of land for residential, commercial, business, employment and tourist-related development, for recreation and community facilities and for protection of the environment, and

(d) to provide a land use planning framework for the preparation of detailed development control plans.

(2) The objectives of the zones adopted to achieve these aims are set out in Part 2.

### 3 Land to which Plan applies

This Plan applies to land within the local government area of Leeton, being the land shown coloured on the map marked "*Leeton Local Environmental Plan No 35*" deposited in the office of Leeton Shire Council.

#### **4 Relationship to other environmental planning instruments**

(1) This Plan amends *Leeton Local Environmental Plan No 4* by inserting at the end of clause 2 the following subclause:

(2) However, this Plan does not apply to land to which *Leeton Local Environmental Plan No 35* applies.

(2) This clause does not operate so as to reclassify or remove the classification of any land classified as community or operational land under the *Local Government Act 1993*.

(3) This Plan amends *State Environmental Planning Policy No 4—Development Without Consent* by inserting in Schedule 2 in alphabetical order of the local government area the following words:

Land within the Leeton local government area to which *Leeton Local Environmental Plan No 35* applies.

#### **5 Suspension of covenants and other instruments to allow development**

(1) For the purpose of enabling development within any zone to be carried out in accordance with this Plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, the operation of any covenant, agreement or similar instrument prohibiting or imposing restrictions on the development, to the extent necessary to serve that purpose, is not to apply to the development.

(2) Nothing in subclause (1) affects the rights or interests of any public authority under any instrument registered in the Land Titles Office.

(3) Pursuant to section 28 of the Act, the Governor approved of subclauses (1) and (2) before this Plan was made.

#### **6 Definitions**

(1) Definitions which apply to this Plan are in Schedule 1. Other terms are defined in the Act.

(2) In this Plan:

(a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for that purpose, and

(b) a reference to a map is a reference to a map deposited in the office of the Council.

(3) The table of contents of this Plan is not part of this Plan.

## **7 Consent authority for the Plan**

The Council is the consent authority for the purposes of this Plan, subject to the Act.

## **8 What is exempt development?**

Development of minimal environmental impact listed in Schedule 2 is exempt development.

## **9 What is complying development?**

Development listed in Schedule 4 is complying development if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
- (b) it is not an existing use, as defined in section 106 of the Act.

## **Part 2 Zoning and development**

### **10 Zoning control table**

- (1) The Table to this clause describes the objectives of each zone and (except as otherwise provided by this Plan) the development that is allowed without development consent or only with development consent on land, and the development that is prohibited on land, in each zone.
- (2) Land to which this Plan applies is within a zone referred to in subclause (3) if it is shown on the map by distinctive colouring and edging or in some other distinctive manner as being within that zone.
- (3) The following zones are used in this Plan:
  - Multipurpose Rural (Zone 1 (e))
  - Living (Zone 2)
  - Living "1" (Zone 2.1)
  - Commercial (Zone 3 (d))
  - Industrial (Zone 4 (c))
  - Fivebough Environmental Buffer (Zone 7 (a))
  - Industrial Buffer (Zone 7 (b))
- (4) Consent must not be granted to development within a zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of the zone within which it is to be

carried out.

Zoning control table

## **1 (e) Multipurpose Rural Zone**

### **1 Zone objectives**

- (a) To enable a diverse range of development within the zone comprised of commercial, industrial and rural land uses, and
- (b) To encourage development that does not adversely affect the amenity of other development in the zone, and
- (c) To encourage development which will contribute to economic growth, employment opportunities and value-adding to agricultural products, and
- (d) To ensure development in the zone is generally consistent with the provisions of any development control plan adopted by the Council for localities within the zone.

### **2 Development that does not require consent**

Development for the purpose of:

agriculture (except intensive livestock industries); home occupations;  
public utility undertakings; utility installations.

Exempt development listed in Schedule 2.

### **3 Development allowed only with consent**

Any development not included in Item 2 or 4.

### **4 Prohibited development**

Development for the purpose of:

advertisements (except those displayed in conjunction with another permissible use and situated on the land on which that use is conducted);  
boarding houses; car repair stations (except in conjunction with motor showrooms situated on the same land); dual occupancies; feedlots;  
forestry; gas holders; generating works; hazardous industries; hotels;  
junk yards; mines; offensive industries; residential units; roadside stalls;  
sawmills; stock and sale yards; utility installations.

## **2 Living**

## **1 Zone objectives**

- (a) To allow a variety of housing types and designs, and
- (b) To allow residential development to meet the needs of the local government area of Leeton that match the capacity of the environment to sustain such development, and
- (c) To allow development within the zone for purposes other than housing, being development that is appropriate to a living zone and that does not detrimentally affect the character or amenity of the locality, and
- (d) To ensure that residential development or other development allowed in the zone is generally consistent with the provisions of any development control plan adopted by the Council for localities within the zone.

## **2 Development that does not require consent**

Development for the purpose of:

agriculture (except intensive livestock industries); home occupations; public utility undertakings; utility installations.

Exempt development listed in Schedule 2.

## **3 Development allowed only with consent**

Any development not included in Item 2 or 4.

## **4 Prohibited development**

Development for the purpose of:

advertisements (except those displayed in conjunction with another permissible use and situated on the land on which that use is conducted) boarding houses; bulk stores; bulky goods showrooms; car repair stations; commercial premises (except those used for home businesses); churches; extractive industries; generating works; hazardous storage establishments; hotels; industries (other than home industries); junk yards; liquid fuel depots; medical centres; motor showrooms; offensive storage facilities; places of assembly; places of worship; residential units; roadside stalls; road transport terminals; sawmills; service stations; shops; stock and sale yards; warehouses.

### **2.1 Living “1”**



## **1 Zone objectives**

- (a) To allow a variety of housing types and designs, and
- (b) To allow residential development to meet the needs of the local government area of Leeton that matches the capacity of the environment to sustain such development, and
- (c) To allow development within the zone for purposes other than housing, being development that is appropriate to a living area zone and that does not detrimentally affect the character or amenity of the locality, and
- (d) To ensure that residential development or other permitted development in the zone is generally consistent with the provisions of any development control plan adopted by the Council for localities within the zone.

## **2 Development that does not require consent**

Development for the purpose of:

home occupations; public utility installations; utility undertakings.

Exempt development listed in Schedule 2.

## **3 Development allowed only with consent**

Any development not included in Item 2 or 4.

## **4 Prohibited development**

Development for the purpose of:

advertisements (except those displayed in conjunction with another permissible use and situated on the land on which that use is conducted); boarding houses; bulk stores; bulky goods showrooms; car repair stations; churches; commercial premises (except home businesses); extractive industries; generating works; hazardous storage establishments; hotels; industries (other than home industries); junk yards; liquid fuel depots; medical centres; motor showrooms; offensive storage facilities; places of assembly; places of worship; roadside stalls; road transport terminals; sawmills; service stations; shops; stock and sale yards; warehouses.

### **3 (d) Commercial**

## **1 Zone objectives**

- (a) To enable a diverse range of development within the zone for retail, commercial and professional purposes, and
- (b) To allow a range of development within the zone for service business activities and associated purposes, and
- (c) To encourage the establishment of service business activities such as bulky goods showrooms, and
- (d) To ensure that the type of retail activity does not prejudice the status and viability of the Main Street as the retail centre of Leeton, and
- (e) To ensure that commercial development or other permitted development is generally consistent with the provisions of any development control plan adopted by the Council for localities within the zone.

## **2 Development that does not require consent**

Development for the purpose of:

home occupations.

Exempt development listed in Schedule 2.

## **3 Development allowed only with consent**

Any development not included in Item 2 or 4.

## **4 Prohibited development**

Development for the purpose of:

advertisements (except those displayed in conjunction with another permissible use and situated on the land on which that use is conducted); boarding houses; car repair stations (except in conjunction with motor showrooms situated on the same land); dual occupancies; dwellings (other than those used in conjunction with another permissible use and situated on the land on which that use is conducted); gas holders; generating works; hazardous industries; industries (other than home industries); junk yards; liquid fuel depots; mines; offensive industries; roadside stalls; road transport terminals; sawmills; stock and sale yards; utility installations; warehouses (other than those used in conjunction with commercial premises and situated on the same land as those

premises).

#### **4 (c) Industrial**

##### **1 Zone objectives**

- (a) To encourage a wide range of employment-generating uses and associated support facilities that are compatible with the environment of the local government area of Leeton, and
- (b) To encourage development that does not adversely affect the amenity of other development in the zone, and
- (c) To encourage development which will contribute to economic growth, employment opportunities and value-adding to agricultural products, and
- (d) To permit retail development to cater for the needs of the workforce within the industrial area and where the items for sale are manufactured on the site, and
- (e) To ensure that industrial or other permitted development is generally consistent with the provisions of any development control plan adopted by the Council for localities within the zone.

##### **2 Development that does not require consent**

Development for the purpose of:

home occupations.

Exempt development listed in Schedule 2.

##### **3 Development allowed only with consent**

Any development not included in Item 2 or 4.

##### **4 Prohibited development**

Development for the purpose of:

boarding houses; commercial premises; dual occupancies; dwelling houses (other than those used in conjunction with another permitted use and situated on the land on which that use is conducted); feedlots; forestry; hazardous industries; hotels; junk yards; mines; offensive industries; residential units; retail plant nurseries; roadside stalls; shops (unless ancillary to other development permitted in the zone or catering

to the local needs of the industrial area); stock and sale yards.

## **7 (a) Fivebough Environmental Buffer**

### **1 Zone objectives**

- (a) To protect environmentally sensitive land from inappropriate development, and
- (b) To provide a buffer around areas of natural ecological significance, and
- (c) To restrict development on land that is inappropriate by reason of physical characteristics or hazards, and
- (d) To encourage the restoration of disturbed bushland areas.

### **2 Development that does not require consent**

Development for the purpose of:

bushfire hazard reduction; home occupations.

Exempt development listed in Schedule 2.

### **3 Development allowed only with consent**

Development for the purpose of:

demolition; display gardens; dual occupancies; dwelling houses; exhibition homes; home businesses; land restoration works; parking; professional practices; refreshment rooms; tourist facilities.

### **4 Prohibited development**

Any development not included in Item 2 or 3.

## **7 (b) Industrial Buffer**

### **1 Zone objectives**

- (a) To provide a buffer around the industrial area, and
- (b) To restrict development on land that is inappropriate by reason of physical characteristics.

### **2 Development that does not require consent**

Development for the purpose of:

home occupations; landscaping.

Exempt development listed in Schedule 2.

### **3 Development allowed only with consent**

Development for the purpose of:

advertisements (displayed in conjunction with a permissible use and situated on the land on which that use is conducted); caretakers' dwellings; offices; parking; shops (ancillary to other development permitted in the zone or catering to the local needs of the industrial area, including take-away food outlets).

Subdivision.

### **4 Prohibited development**

Any development not included in Item 2 or 3.

#### **11 Development that does not require development consent**

- (1) Development listed in Schedule 3, despite any other provision of this Plan, does NOT require development consent.
- (2) Development of land does NOT require development consent if it is identified in the Table to clause 10 (the zoning control table) as development which may be carried out on the land without consent or if so specified in any other provision of this Plan.
- (3) Exempt development also does NOT require consent.

## **Part 3 Subdivision**

### **12 Consent required**

A person must not subdivide land to which this Plan applies, except with development consent.

### **13 Zone 2 (Living Zone)—services required**

- (1) Consent may be granted to a subdivision of land in Zone 2 that will create one or more lots for dwelling house sites only where services are provided in accordance with the following Table in which an "X" indicates that the relevant service must be available in relation to a lot of that size:

	<b>Lot Sizes</b>

<b>Urban Services</b>	<b>1,200 m<sup>2</sup> or more but less than 1,800 m<sup>2</sup></b>	<b>1,800 m<sup>2</sup> or more but less than 4,000 m<sup>2</sup></b>	<b>4,000 m<sup>2</sup> or more but less than 1 ha</b>	<b>1 ha or more but less than 4 ha</b>	<b>4 ha or more</b>
Electricity			X	X	X
Filtered water	X	X	X		
Grass table drains				X	X
Irrigation water				X	X
Kerb and gutter	X	X	X		
Reticulated sewerage	X	X			
Underground storm water drainage	X	X	X		
Sealed road access to nearest town or village	X	X	X		
At least 200 m of sealed road centred on access point				X	X
Telephone	X	X	X	X	X
Underground electricity	X	X	X		

- (2) Consent may be granted to the subdivision of land, regardless of subclause (1), if:
- (a) services are provided to a lot as required for larger or smaller lots, but the lot concerned is smaller or larger than those lots by only a minor amount due to:
    - (i) the size and shape of the land to be subdivided, or
    - (ii) the location of an existing dwelling on the land to be subdivided, or
  - (b) the purpose of the subdivision is a boundary adjustment where no additional lots

are created, or

(c) the purpose of the subdivision is to provide land for public purposes.

**14 Zone 2.1 (Living “1” Zone)—services required**

(1) Consent may be granted to a subdivision of land in Zone 2.1 that will create one or more lots for dwelling house sites only where services are provided in accordance with the following Table in which an “X” indicates that the relevant service must be available in relation to a lot of that size.

Urban Services	Lot Sizes				
	750 m <sup>2</sup> or more but less than 1,800 m <sup>2</sup>	1,800 m <sup>2</sup> or more but less than 4,000 m <sup>2</sup>	4,000 m <sup>2</sup> or more but less than 1 ha	1 ha or more but less than 4 ha	4 ha or more
Electricity			X	X	X
Filtered water	X	X	X		
Grass table drains				X	X
Irrigation water				X	X
Kerb and gutter	X	X	X		
Reticulated sewerage	X	X			
Underground storm water drainage	X	X	X		
Sealed road access to nearest town or village	X	X	X		
At least 200 m of sealed road centred on access point				X	X
Telephone	X	X	X	X	X

Underground electricity	X	X	X		
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- (2) Consent may be granted to the subdivision of land, regardless of subclause (1), if:
- (a) services are provided to a lot as required for larger or smaller lots, but the lot concerned is smaller or larger than those lots by only a minor amount due to:
    - (i) the size and shape of the land to be subdivided, or
    - (ii) the location of an existing dwelling on the land to be subdivided, or
  - (b) the purpose of the subdivision is a boundary adjustment where no additional lots are created, or
  - (c) the purpose of the subdivision is to provide land for public purposes.

#### 15 Commercial and industrial land

- (1) Consent may be granted to the subdivision of land within Zone 3 (d) or 4 (c) only if:
- (a) the minimum allotment size is not less than 4,000 m<sup>2</sup>, and
  - (b) the consent authority is satisfied that all necessary services, particularly water, sewerage and drainage services, that will be required for use of the land after that subdivision will be available to the land immediately after the subdivision.
- (2) Consent may be granted to the subdivision of land, regardless of subclause (1) if the subdivision is under the [Community Land Development Act 1989](#) and will result in the communal ownership of roads, open space, drainage and the like.

#### 16 Residential flat buildings—Zone 2.1 (Living “1” Zone)

Consent must not be granted to the erection of a building containing 2 or more dwellings on an allotment of land within Zone 2.1, unless the area of the allotment in square metres is not less than the area calculated by multiplying the number of dwellings in the building by 375 square metres.

### Part 4 General provisions

#### 17 Notified development

- (1) Consent must not be granted to development described in Schedule 5 unless the relevant development application has been placed on public exhibition in accordance with subclause (2).
- (2) Before granting an application referred to in subclause (1), the consent authority must:



- (a) place the application on public exhibition for a period of 14 days (public holidays excluded) at the office of the Council, and
- (b) give public notice of the period referred to in paragraph (a) in a newspaper circulating in the locality in which the development is proposed to be carried out, and
- (c) take into consideration any submission lodged during that period in respect of the proposed development.

## **18 Temporary uses**

Despite any other provisions of this Plan, consent may be granted to the use of any land or building for any temporary purpose (including an exhibition, concert, fair, field day, sporting event, fete, or market) if the consent authority has taken into consideration whether:

- (a) the use will cease within a time specified in the conditions of the consent, and
- (b) suitable arrangements have been or will be made for the removal of any waste, and of any temporary structures erected or works to be carried out in connection with the use, and for the reinstatement of the land after the cessation of the temporary use, and
- (c) consent for the temporary use is reasonable having regard to the nature of the use and the economic use of the land concerned pending its development otherwise in accordance with this Plan, and
- (d) the temporary use will not unreasonably or adversely affect residential amenity, and
- (e) the temporary use would not be likely to unreasonably affect the viability of the commercial area in the locality.

## **Part 5 Heritage**

### **19 Protection of heritage items and relics**

- (1) Despite any other provision of this Plan, the following development may be carried out only with development consent:
  - (a) demolishing or moving a heritage item, or
  - (b) altering a heritage item except where that alteration results from any maintenance necessary for the ongoing protective care of the item which does not adversely affect its heritage significance, or
  - (c) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or

(d) erecting a building on, or subdividing, land on which a heritage item is located.

- (2) Development consent is not required by this clause if, in the opinion of the Council, the proposed development would not adversely affect the heritage significance of the heritage item.
- (3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or relic concerned.

**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*).

## **20 Development of known or potential archaeological sites**

Consent may be granted to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if the consent authority:

- (a) has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, prepared in accordance with any guidelines for the time being notified to it by the Heritage Office, and
- (b) (Repealed)
- (c) is satisfied that any necessary excavation permit required by the [Heritage Act 1977](#) has been granted.

## **21 Development in the vicinity of heritage items, archaeological sites or potential archaeological sites**

The consent authority must take into consideration the likely effect of any development proposed by a development application on the heritage significance of any heritage item, archaeological site or potential archaeological site in the vicinity of the site concerned.

## **22 Conservation incentives**

- (1) Consent may be granted to the use, for any purpose, of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise be prohibited by this Plan, if the consent authority is satisfied that:
- (a) the proposed use would not adversely affect the heritage significance of the item, and

- (b) the heritage significance and amenity of the surrounding neighbourhood would not be adversely affected, and
  - (c) the heritage item will be conserved if it or the land is used for the proposed use, and
  - (d) a conservation plan, prepared for the heritage item, supports the proposed use.
- (2) Consent may be granted to the use of a building that is a heritage item, or of the land on which such a building is erected, for bed and breakfast accommodation, even though this use would otherwise be prohibited by this Plan, if the heritage item will be conserved if it is so used.

### **23 Heritage proposals being advertised development**

- (1) For the purposes of section 79A of the Act, the following development is identified as advertised development:
- (a) the demolition of a building or work that is a heritage item, or
  - (b) the use of a building or land referred to in clause 22 for a purpose which would be prohibited in, or would not be consistent with, the objectives of the relevant zone.
- (2) (Repealed)

## **Part 6 Special provisions**

### **24 Development in adjoining zones**

A person may, with development consent, carry out development on land within a zone in which that development would, in the absence of this clause, be prohibited, provided that:

- (a) the development is carried out within 20 m of the boundary between that zone and another zone in which the development would be allowed (with or without consent), and
- (b) the consent authority is satisfied that carrying out the development will not prevent the objectives of the zone within which the development would otherwise be prohibited from being attained.

### **25 Services**

Consent must not be granted to development unless the consent authority is satisfied that adequate arrangements can be made for drainage, the provision of water storage and the disposal of effluent to the extent that a need for any of those things will arise from carrying out the proposed development.

## 26 Distance from main road

A building shall not be erected on land within Zone 1 (e), 3 (d) or 4 (c) having frontage to Main Road 80, if any part of the building will be closer than 45 metres to the nearest alignment of Main Road 80.

## 27 Land classified or reclassified as operational land

Public land is classified or reclassified as operational land for the purposes of the [Local Government Act 1993](#) if it is specified in Schedule 7.

# Part 7 Advertising

## 28 Objectives of control of advertisements

The objectives for this Part are:

- (a) to ensure that advertisements which are visible from public places are consistent with the character of the locality and do not detract from the amenity of the local government area of Leeton, and
- (b) to provide for minor or temporary advertisements which are likely to have minimal impact on the character of the local government area.

## 29 Types of advertisements

For the purposes of this Plan:

**Business identification sign** means an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:

- the identity or a description of the place or the premises,
- the identity or a description of any persons residing or carrying on an occupation at the place or premises,
- particulars of any occupation carried on at the place or premises,
- such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
- particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
- particulars relating to the type of goods, commodities or services dealt with or provided at the place or premises,
- particulars of any activities held or to be held at the place or premises,
- a reference to an affiliation with a trade, professional or other association relevant to

the business conducted at the place or premises.

**Fascia sign** means an advertisement attached to the fascia or return of an awning.

**Flush wall sign** means an advertisement on a wall which does not project more than 300 mm from that wall.

**Pole or pylon sign** means an advertisement erected on one or more freestanding poles or pylons.

**Real estate sign** means an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting) and which is removed within 14 days after the letting or completion of the sale.

**Temporary sign** means an advertisement of a temporary nature that:

- announces any local event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, and
- does not include advertising of a commercial nature except the name of an event's sponsors.

**Window sign** means an advertisement painted on a window or affixed to the inside of a window.

### **30 Advertisements that are allowable with consent**

- (1) A person may, with development consent, carry out development for the purpose of erecting or displaying, on land to which this Plan applies, any advertisement or sign unless the development is prohibited by this Plan.
- (2) Consent must not be granted to development for the purpose of erecting or displaying an advertisement or sign if, in the opinion of the consent authority, the erection or display will significantly adversely affect the character and amenity of the locality.

### **31 Advertisements in high profile areas**

- (1) Consent must not be granted to development for the purpose of erecting or displaying an advertisement or sign on land within Zone 1 (e), 3 (d) or 4 (c) if the advertisement or sign would be visible from an arterial road.
- (2) This clause does not apply to business identification signs.

## Schedule 1 Definitions

(Clause 6 (1))

**advertisement** means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work, but does not include signs displayed by the Council for the purpose of road safety, or showing locality names or locality directions.

**alter**, in relation to a heritage item, means:

- (a) make structural changes to the outside of the heritage item, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, not being changes resulting only from maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item.

**animal establishment** means a building or place used for the breeding, boarding, training, keeping of, or care (excluding veterinary care) of small domestic animals (excluding rural livestock) for commercial purposes.

**backpackers' accommodation** means a dwelling or multi-unit housing, having an average of two beds or more per room.

**bed and breakfast accommodation** means temporary short-term accommodation provided for paying guests in a dwelling by the permanent residents of the dwelling, which may include meals.

**boarding house** means a building or place where accommodation, meals and laundry facilities are provided to long-stay residents of the building or place, but does not (for the purposes of the zoning control table to clause 10) include a building where a form of accommodation elsewhere specifically defined in this Schedule is provided.

**bulk store** means a building or place used for the bulk storage of goods where the goods stored or to be stored are not used in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

**bulky goods showroom** means a building or place used for the sale by retail or auction, or for the hire or display, of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase or hire.

**bushfire hazard reduction** means the reduction or modification (by burning, mechanical or manual means) of material that constitutes a bushfire hazard.

**business premises** means a building or place in or at which there is carried on an occupation, profession, service or trade which provides a service directly and regularly to the public, but does not (for the purposes of the zoning control table to clause 10) include a building or place elsewhere specifically defined in this Schedule.

**caravan park** means land (including a camping ground) on which caravans (or caravans, tents, holiday cabins and other moveable dwellings) are, or are to be, placed or erected.

**caretaker's dwelling** means a dwelling used in conjunction or associated with a use of land for which consent has been granted.

**car park** means a building or place used for parking vehicles, and any manoeuvring space and access to it, whether operated for gain or not.

**car repair station** means a building or place used for the purpose of carrying out repairs to motor vehicles, including the fitting, repair or replacement of motor vehicles tyres, but not involving:

- (a) body building, or
- (b) panel beating which involves dismantling all or part of a motor vehicle, or
- (c) spray painting other than of a touching-up character.

**church** means any place of public worship, whether in the Christian faith or not.

**club** means a building or place used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes, whether of the same or of a different kind, and whether or not the whole or part of the building or place is the premises of a club registered under the [Registered Clubs Act 1976](#).

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but (in the zoning control table to clause 10) does not include a building or place elsewhere specifically defined in this Schedule.

**community building** means a building or place owned by the Council or under the Council's care, control and management and used to provide facilities comprising or relating to any one or more of the following:

- (a) a public library,
- (b) public health and welfare services,
- (c) rest rooms,
- (d) meeting rooms,
- (e) indoor recreation,
- (f) child minding,
- (g) baby health centres,
- (h) public halls,
- (i) exhibition spaces,
- (j) club rooms,

(k) bushfire brigade buildings,

(l) refreshment rooms.

**Council** means the Council of the local government area of Leeton.

**corporation** has the same meaning as in the Act.

**demolition**, in relation to a heritage item, means damaging, defacing, wholly or partly destroying or pulling down the heritage item.

**development** has the same meaning as in the Act.

**display garden** means a private garden which is open to the public from time to time for not more than four weeks in any twelve-month period.

**dual occupancy** means two dwellings (whether attached or detached) on a single allotment of land or separate allotments created by a subdivision carried out after the dwellings are erected.

**dwelling** means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

**dwelling house** means a dwelling (whether attached to another dwelling or not) which is the only dwelling erected on an allotment of land.

**educational establishment** means a building or place principally used for education and training and includes:

- (a) a school, and
- (b) a tertiary institution, such as a university or a TAFE establishment, providing formal education which is constituted by or under an Act, and
- (c) facilities for adult or community education, and
- (d) training facilities, and
- (e) a museum,

whether or not accommodation for staff or students is provided there and whether or not it is used for the purpose of gain.

**exhibition home** means a dwelling house constructed for display purposes to demonstrate aspects of housing form, design, construction, materials and the like and which may or may not be used for an ancillary purpose, such as a site office used for purposes related to house sales.

**extractive industry** means:

- (a) development involving the winning of extractive material (including sand, gravel, turf, soil, rock, stone, or similar substances), or
- (b) an undertaking, not being a mine, which depends for its operation on the winning of extractive material from the land on which it is carried out,



and includes an associated industry for the purposes of the processing of the extractive material (such as washing, crushing, grinding, milling or separating into different sizes or grades, of that range of extractive material) on that land.

**fast food outlet** means a building or place used for a restaurant which also includes car parking and take-away facilities. It includes a place providing a drive-through take-away food service for motorists.

**floor** means that space within a building which is situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above.

**forestry** includes arboriculture, silviculture and harvesting of trees and shrubs for the purpose of:

- (a) afforestation, forest protection and management, the cutting, dressing and preparing (otherwise than in a sawmill) of wood and associated forest products, or
- (b) establishing roads necessary for the removal of wood and for forest protection.

**group home** has the same meaning as in the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

**guest house** means a dwelling house used to provide accommodation and meals for paying guests and which may include a restaurant.

**hazardous industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**hazardous storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**heritage item** means a building, work, relic, tree or place identified on the map as a heritage item.

**heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

**heritage study inventory sheet** for land means the sheets of the heritage study entitled "Leeton" relating to that land available from the office of the Council.

**high technology industry** means the manufacturing of goods for commercial purposes which requires the use of technologically advanced buildings, machinery or techniques, but (in the zoning

control table to clause 10) does not include development elsewhere defined in this Schedule.

**home-based child care service** means any service, provided at the premises where the person providing the service resides, for the purpose of educating, minding or caring for up to 7 children (including any children who are related to the person providing the service), but only if:

- (a) the children (other than those related to the person providing the service) do not reside at the premises, and
- (b) the service is licensed within the meaning of the *Family Day Care and Home Based Child Care Services Regulation 1996*.

**home business** means the use of a dwelling or building erected as commercial premises on an allotment that is the site of a dwelling, but only if the use is undertaken by the permanent residents of the dwelling (whether or not the use also involves the employment of not more than 2 persons other than those residents) and the use does not:

- (a) interfere with the amenity of the locality by reason of traffic, the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
- (b) involve exposure to view from any adjacent premises, or from any public place, of any unsightly matter, or
- (c) require the provision of an essential service main of a greater capacity than that available in the locality, or
- (d) involve building works which will alter the residential appearance of the building, or
- (e) involve prostitution, or
- (f) occupy more than 50 m<sup>2</sup> of floor area.

**home industry** means a light industry carried on in a building other than a dwelling, where:

- (a) the building is erected on the allotment on which a dwelling is located, and
- (b) the light industry does not occupy an area of more than 50 square metres, and
- (c) the light industry is undertaken by the permanent residents of the dwelling whether or not others are employed in the light industry, and
- (d) the light industry does not interfere in any way with the amenity of adjoining properties or the locality in which the dwelling is situated, and
- (e) the light industry does not involve exposure to view from any adjacent premises, or from any public place, of any unsightly matter, and
- (f) the light industry does not require the provision of an essential service main of a greater capacity than that available in the locality.

**home occupation** means an occupation carried on in a dwelling house or in another kind of dwelling by the permanent residents of the dwelling house or dwelling which does not involve:

- (a) the registration of the dwelling house or dwelling under the *Factories, Shops and Industries Act 1962*, or
- (b) the employment of persons other than the residents of the dwelling house or dwelling, or
- (c) interference with the amenity of the neighbourhood by reason of traffic, the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or
- (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
- (g) prostitution.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care of people with developmental disabilities, psychiatric care or counselling and other services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for related or ancillary educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hotel** means premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

**housing for aged or disabled persons** means residential accommodation which may take any building form, which is or is intended to be used predominantly (as housing) for the accommodation of aged persons or disabled persons and which may consist of hostels or the like or a grouping of 2 or more self-contained dwellings, or a combination of both, and which includes one or more of the following facilities provided for use in connection with that accommodation:

- (a) accommodation for staff employed or to be employed in connection with that accommodation,
- (b) chapels,
- (c) medical consulting rooms,
- (d) meeting rooms,
- (e) recreation facilities,

(f) shops.

**industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods, articles, materials, liquids or gases for commercial purposes, but (for the purposes of the zoning control table to clause 10) does not include a land use elsewhere specifically defined in this Schedule.

**institution** means a building or place used as a corrective centre, remand centre or reformatory facility.

**intensive horticulture** means the use of a building or place for the artificial propagation or growing of plants, other than orchards or vineyards, using traditional practices, including:

- (a) hydroponics, or
- (b) indoor plant growing, including growing of crops, ornamental trees or shrubs, flowers, fruit, nuts or vegetables.

**intensive livestock industry** means the use of a building or place for the keeping or breeding of livestock or poultry or other birds, which are fed wholly or substantially on prepared or manufactured feed, for commercial purposes. It includes aquaculture and may consist of the use of any one or more of the following:

- (a) cattle feedlots,
- (b) piggeries,
- (c) poultry farms,
- (d) worm farms,

but does not include the use of a building or place for drought or similar emergency relief.

**junk yard** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of their parts.

**land restoration works** means land restoration works carried out by or on behalf of the Council, the Crown or a statutory authority and includes erosion control, drainage, revegetation, sediment control and the like.

**light industry** means an industry, not being an offensive industry or a hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

**liquid fuel depot** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil petroleum or other inflammable liquid.

**maximum height** of a building means the distance measured vertically from the highest point of the building to the natural ground level immediately below that point.

**medical centre** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

**motor showroom** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed there.

**offensive industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**offensive storage facility** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact on other land in the locality.

**office** means a building or place used for the purpose of administration, clerical, technical, professional or like activities, where dealings with members of the public are not on a direct and regular basis or otherwise than by appointment, but (for the purposes of the zoning control table to clause 10) excludes a building or place elsewhere defined in this Schedule.

**panel beating workshop** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, where the work involved includes one or more of the following:

- (a) body building,
- (b) panel beating which may or may not involve dismantling all or part of the vehicles or machinery,
- (c) spray painting.

**parking** includes use of a paved area designed, marked or signposted for the parking of motor vehicles.

**place of assembly** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such, whether used for the purpose of gain or not, but does not include a place of worship, an institution or an educational establishment.

**place of worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**professional practice** means a room or number of rooms forming part of, attached to, or within the curtilage of, a dwelling house and used by not more than one person for rendering professional treatments or health care services to members of the public (at any one time), but does not include a

sex establishment.

**public building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, the Council or an organisation established for public purposes.

**public utility undertaking** means any of the following undertakings carried on by, or permitted or suffered to be carried on by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking is taken to include a reference to a council, county council, Government Department, corporation, firm or authority carrying on the undertaking.

**recreation area** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used by the Council to provide for the physical, cultural or intellectual welfare of the community,

but (for the purposes of the zoning control table to clause 10) does not include a showground or a place used for a land use specifically defined elsewhere in this Schedule.

**recreation facility** means a building or place used for indoor recreation, a billiard saloon, table tennis centre, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building or place of a like character used for recreation, whether used of the purpose of gain or not, but does not include a place of assembly.

**refreshment room** means a building or place, such as a restaurant, café, tea room, eating house or the like, the purpose of which is to provide food for consumption on the premises.

**relic** means any deposit, object or material evidence (including human remains) relating to:

- (a) the use or settlement of the Leeton Council's area, not being Aboriginal habitation, which is more than 50 years old, or
- (b) Aboriginal habitation of the Leeton Council's area before its occupation by persons of European extraction.

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

- (a) the making of any structural changes to the 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, plastering, or other decoration of the outside of the building or work.

**research facility** means a building or place used for designing, testing, research or development work associated with mining, agriculture, industrial goods or commercial products, but (for the purposes of the zoning control table to clause 10) does not include a building or place elsewhere defined in this Schedule.

**residential units** means three or more dwellings (whether attached or detached) on a single allotment of land, (or which would be on a single allotment were it not for the fact the allotment is to be subdivided as part of the proposed development).

**restaurant** means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises, whether or not take-away meals are also provided, and includes a café, tea rooms, coffee shop and the like.

**retail plant nursery** means a building or place used for growing and selling plants, whether or not it is also used for the sale of landscape supplies (including earth products) or other landscape and horticultural products.

**roadside stall** means a building or place (not exceeding 20 square metres in floor space or area) where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

**road transport terminal** means a building or place used mainly for the bulk handling of goods for transport by road, and includes facilities for the loading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

**rural industry** means a business activity involving:

- (a) the handling, treating, processing or packing of primary products, or
- (b) the regular servicing or repairing of plant or equipment used for the purpose of agriculture or for the purpose of a business activity referred to in paragraph (a).

**sawmill** means a mill used for handling, cutting and processing timber from forestry operations.

**service industry** means a trade or industry and associated business activity having as its main purpose the cleaning, dismantling, maintenance, repair, re-assembly, renovation, refurbishing or repainting of goods, but (for the purposes of the zoning control table to clause 10) does not include a land use elsewhere defined in this Schedule.

**service station** means a building or place used for the fuelling of motor vehicles and for the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following:

- (a) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (b) the washing and greasing of motor vehicles,
- (c) the repairing and servicing of motor vehicles (other than body building, panel beating and spray painting),
- (d) the hiring of trailers,

(e) the retail selling or hiring of small consumer goods.

**shop** means a building or place used for selling goods or materials, whether by retail or auction, or for hiring or displaying goods or materials for the purpose of selling or hiring them, but (in the zoning control table to clause 10) does not include a building or place elsewhere specifically defined in this Schedule.

**stock and sale yard** means a building or place used for the purpose of offering livestock or poultry for sale (whether by auction or otherwise).

**subdivision of land** has the same meaning as in the Act.

**take-away food outlet** means a food outlet, other than a refreshment room, offering as its primary activity a take-away food service, whether or not seating is also provided for on-site food consumption, and may also include provision for drive-through service.

**telecommunication facilities** means any building or equipment, such as an antenna, micro cells, satellite dishes or the like, attached to an existing or new structure used to provide telecommunication services to an area or region.

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**the map** means the map marked “Leeton Local Environmental Plan No 35”, as amended by the maps (or sheets of the maps) marked as follows:

*Leeton Local Environmental Plan No 41*

**tourist facility** means an establishment providing for holiday accommodation or recreation (such as a camping ground, caravan park, holiday cabins, hotel, houseboat or motel) and may include a boat shed, boat landing facilities, a marina, playground, refreshment room, water sport facilities or the like or a club used in conjunction with any such activity.

**transport depot** means a building or place used for the parking, storage or servicing of vehicles used in connection with any transport operation.

**utility installation** means a building or work used by a public utility undertaking, such as the Council, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

**veterinary establishment** means a building or place used for the diagnosis and surgical or medical treatment of animals, whether or not animals are kept on the premises for the purpose of treatment.

**visitor facilities** means the provision of walking tracks, information, interpretative signs, lookouts, picnic facilities, toilet facilities, access for the disabled, and ancillary car parking for the general public.

**warehouse** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

## Schedule 2 Exempt development

(Clause 8)

Development is exempt development only if the development:



- 1 is listed in the Exempt Development Table to this Schedule,
- 2 conforms with the exemption criteria in the Exempt Development Table to this Schedule,
- 3 complies with the deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development,
- 4 is constructed and, where relevant, installed in accordance with any applicable manufacturer's instructions and Australian Standards,
- 5 in the case of development consisting or involving the erection of a building, is constructed with new materials unless otherwise specified in the Exempt Development Table,
- 6 in the case of development consisting or involving the erection of a building, is situated at least 1 metre from a sewer main or an easement unless the Exempt Development Table allows the building to be closer to the sewer main or easement,
- 7 is not on land on which a heritage item is situated unless the Exempt Development Table allows such development to be on such land,
- 8 does not adversely affect storm water or sewerage services,
- 9 does not restrict pedestrian or vehicular access to or from the site,
- 10 is positioned behind the building line (unless it is a fence or flagpole or the Exempt Development Table provides for the development to be carried out in front of the building line), and
- 11 is not land within Zone 7 (a) or 7 (b).

### **Exempt Development Table**

#### **Erection and use, or carrying out, of the following:**

#### **Exemption criteria**

#### **GENERAL ANCILLARY DEVELOPMENT ON ANY LAND**

Access ramps for disabled	<ul style="list-style-type: none"><li>• Maximum height—1 metre above finished ground level.</li><li>• Maximum grade 1:14.</li><li>• Otherwise in compliance with AS 1428.1—1998.</li></ul>
Aerials, antennae, masts	<ul style="list-style-type: none"><li>• Maximum height—12 metres above finished ground surface.</li><li>• Suitable for domestic use only.</li><li>• Must be structurally adequate.</li></ul>

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| Microwave antennae (ie for Pay TV)   | <ul style="list-style-type: none"><li>• Roof or wall mounted.</li><li>• Reflector not to exceed 600 mm square or diameter.</li><li>• Height not to exceed 36 metres above roof ridge.</li><li>• Maximum dish diameter 1,200 mm excluding any projecting feed element.</li><li>• Installation not to project above the ridge line of the building.</li></ul> |
| Satellite dishes   | <ul style="list-style-type: none"><li>• Positioned on allotment behind the front building alignment.</li><li>• Coloured dishes must blend in with existing roof structure to minimise visual impact.</li><li>• The noise level shall not exceed 5dB(A) above the ambient noise level measured at the property boundary.</li></ul>                           |
| Air conditioning units for dwellings (attached to external wall or ground mounted) | <ul style="list-style-type: none"><li>• Building work must not reduce the structural integrity of the building.</li><li>• Any opening created is to be adequately weatherproofed.</li></ul>   |
| Awnings, canopies and storm blinds on dwellings                                    | <ul style="list-style-type: none"><li>• Maximum area—10 square metres.</li><li>• Located wholly within property boundaries.</li><li>• Maximum total area of 10 square metres per dwelling.</li><li>• Maximum width of 1.5 metres.</li></ul>   |
| Balconies, decks patios (unroofed and attached to dwellings)                       | <ul style="list-style-type: none"><li>• Floor level not greater than 1 metre above existing ground level.</li><li>• No closer than 900 mm from side and rear boundaries.</li><li>• Behind front building alignment.</li><li>• Located wholly within the site boundary.</li></ul>  |
| Barbecues  | <ul style="list-style-type: none"><li>• Located and used so as not to create a smoke nuisance to neighbours.</li><li>• Maximum chimney height of 2.4 metres.</li></ul>  |

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| Bird Aviaries   | <ul style="list-style-type: none"><li>• Maximum floor area—15 square metres.</li><li>• Maximum height—2.4 metres.</li><li>• Located behind the building line of the main building and obscured from view from public places.</li><li>• One aviary only per property.</li><li>• May be erected over sewer mains on condition that the building can be easily relocated, and does not obstruct access pits or boundary shafts connected to sewer.</li><li>• Not erected over storm water access pits.</li><li>• Minimum side and rear boundary clearances 900 mm.</li></ul> |
| Clothes Hoists/Lines<br>(associated with dwellings)                   | <ul style="list-style-type: none"><li>• Only located in rear yard.</li><li>• Not visible from the adjoining public road that the dwelling faces.</li><li>• Located wholly within the land.</li><li>• One flagpole only per property.</li></ul>  |
| Flagpoles   | <ul style="list-style-type: none"><li>• Maximum height 6 metres above ground level.</li><li>• Must be structurally adequate.</li><li>• Use must not create an offensive noise from pulleys or ropes.</li></ul>  |
| Fences—side and rear boundary, if behind the front building alignment | Maximum height—2 metres.  |
| Fences—front and side, if forward of the front building alignment     | <ul style="list-style-type: none"><li>• Maximum height—1 metre.</li><li>• 600 millimetres for any brick or masonry fence.</li><li>• Minimum side and rear boundary clearances—900 millimetres.</li></ul>  |
| Fowl houses   | <ul style="list-style-type: none"><li>• Maximum floor area—15 square metres.</li><li>• Position on allotment/portion—located in the rear yard area.</li><li>• Maximum height—2.1 metres.</li></ul>  |

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| Garden sheds (within the curtilage of a dwelling house)  | <ul style="list-style-type: none"><li>• Free standing and pre-fabricated.</li><li>• Maximum floor area—20 square metres.</li><li>• Maximum height—2.4 metres.</li><li>• Located behind the building line of the main building and obscured from view from public places.</li><li>• One shed only on each property.</li><li>• May be erected over sewer mains on condition that the building can be easily relocated, and does not obstruct access to sewer or storm water pits or boundary shafts.</li><li>• Not to be constructed over the Council's sewer main, service lines or easements.</li></ul> |
| Hoardings  | <ul style="list-style-type: none"><li>• Located on or within the boundaries of the land.</li><li>• Erected in accordance with WorkCover Authority guidelines.</li></ul>   |
| Letter boxes   | <ul style="list-style-type: none"><li>• A maximum height of 1 metre above ground level.</li><li>• Consistent with streetscape character.</li></ul>  |
| Paving (in association with dwellings)                   | <ul style="list-style-type: none"><li>• Includes provision for the collection and disposal of storm water in a manner approved by the Council.</li><li>• At least 50% of the area within the curtilage of a dwelling retained for lawn and gardens.</li></ul>   |
| Pergolas—open  | <ul style="list-style-type: none"><li>• Minimum side and rear boundary clearances—900 millimetres.</li><li>• Maximum floor area—25 square metres.</li><li>• Positioned on allotment/portion behind the building alignment.</li><li>• Maximum height—2.4 metres.</li><li>• Unenclosed with a non-solid roof covering.</li><li>• Minimum side and rear boundary clearances—900 millimetres.</li></ul>   |
| Playground equipment, clothes hoists/lines, cubby houses | <ul style="list-style-type: none"><li>• Maximum floor area—15 square metres.</li><li>• Position on allotment/portion—located in the rear yard area.</li><li>• Maximum height—2.1 metres.</li></ul>  |

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|---|--|
| Re-cladding of roofs or walls   | <ul style="list-style-type: none"><li>• Existing materials must be replaced with similar materials.</li><li>• Re-cladding must not involve structural alterations.</li><li>• Not to be carried out on heritage items or facades or notable features of buildings identified on the Council's heritage study inventory sheets unless it reproduces the external materials consistently with the heritage inventory recommendations.</li><li>• Installed by a person licensed to do this work.</li><li>• The building work does not reduce the structural integrity of the building or involve structural alterations.</li></ul> |
| Solar water heaters   | <ul style="list-style-type: none"><li>• Any opening created by the installation to be adequately waterproofed.</li><li>• Does not affect the facade or notable features of a heritage item.</li><li>• Replacement or new installations.</li></ul>  |
| Water heaters (excluding solar systems)   | <ul style="list-style-type: none"><li>• The installation must not reduce the structural integrity of the building or involve structural alterations.</li><li>• Installation to be carried out by a person licensed to do the work.</li></ul>   |
| Skylight roof windows (including solartube or similar type installations)               | <ul style="list-style-type: none"><li>• Area of skylight not to exceed 1 square metre.</li><li>• Located not less than 900 millimetres from a property boundary and not less than 900 millimetres from a wall separating attached dwellings.</li><li>• The building work must not reduce the structural integrity of the building or involve structural alterations.</li><li>• Any opening created by the installation to be adequately waterproofed.</li><li>• Use of the building must be ancillary to a lawful use of the land.</li></ul>   |
| Temporary buildings, such as site sheds, ancillary to erection of a permanent structure | <ul style="list-style-type: none"><li>• Siting of the temporary building does not affect approved landscaping, car parking or loading areas.</li><li>• Not used after occupation of the replacement permanent structure.</li></ul>   |

Non-structural work only, such as:

(a) replacement of doors, wall, ceiling, floor linings or deteriorated frame members with equivalent or improved quality materials, or

(b) renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes.

Minor internal alterations

- Only alterations or renovations to previously completed buildings.
- Building work not to include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means.

- Building work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.

- Building work complies with health and amenity requirements of the *Building Code of Australia*.

- Any building work involving asbestos cement complies with the WorkCover Authority's "Short Guide to Working with Asbestos".

- Any building work involving lead paint removal does not cause lead contamination of air or ground.

Replacement in residential premises with materials that comply with:

Windows, glazed areas and external doors (excluding windows in buildings that are items of the environmental heritage to which section 142 of [Local Government Act 1993](#))

- AS 1288-1994 *Glass in buildings—Selection and installation*.

- AS/NZS 2208—1996 *Safety glazing materials in buildings*.

- No reduction in the area provided for light and ventilation is caused and structural support members are not removed.

	<p>Maximum height—900 millimetres</p> <p>Masonry walls to comply with:</p> <ul style="list-style-type: none"><li>AS 3700-1998—<i>Masonry structures</i>.</li><li>AS 3600-1994—<i>Concrete structures</i>.</li><li>AS 1170.1-1989—<i>Minimum design loads on structures (known as SAA Loading Code—Dead and live loads and load combinations)</i>.</li></ul>
Retaining walls	<p>Timber walls to comply with:</p> <ul style="list-style-type: none"><li>AS 1720.1-1997—<i>Timber structures—Design methods</i>.</li><li>AS 1170.1-1989—<i>Minimum design loads on structures (known as SAA Loading Code—Dead and live loads and load combinations)</i>.</li></ul> <ul style="list-style-type: none"><li>All retaining walls are to be constructed so that they do not prevent the natural flow of storm water drainage/runoff.</li></ul>
Security fences	<p>Chain wire type fences and gates around public utility undertakings only.</p>
Security roller/shutter doors	<p>Installed otherwise than on or near street frontages, or on or near the boundary of a public place.</p>
Internal alterations, including the following alterations:	<ul style="list-style-type: none"><li>The alteration must not effect the structural strength and stability of the building.</li><li>Building work not to include changes to the configuration of rooms, whether by removal of existing walls, partitions or by other means.</li></ul>
<ul style="list-style-type: none"><li>replacement of existing floor, wall and ceiling surfaces or linings only and the replacement of windows,</li><li>renovations of bathrooms and kitchens, inclusion of built-in fixtures, such as vanities, cupboards and wardrobes.</li></ul>	
Demolition of any building (other than a retaining wall) for which consent to erect that building would not be necessary (whether erected before or after this plan commenced) but not of items of the environmental heritage to which section 142 of the <i>Local Government Act 1993</i> applies	<ul style="list-style-type: none"><li>Demolition to be carried out in accordance with AS 2601-1991—<i>The demolition of structures</i>.</li><li>Any works involving asbestos cement comply with the WorkCover Authority's "Short Guide to Working with Asbestos".</li><li>Any work involving lead paint removal does not cause lead contamination of air or ground.</li></ul>

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| Water tanks  | <ul style="list-style-type: none"><li>• Up to 2 tanks adjacent to a dwelling house and another two associated with farm buildings.</li><li>• A maximum 20,000 litre capacity for each tank.</li><li>• Above ground in proximity to the dwelling house.</li><li>• Not exceeding the height of any adjacent dwelling house.</li><li>• Does not require licensing under the <a href="#">Water Act 1912</a>.</li><li>• Not located on or across a perennial creek.</li><li>• Not located within a water quality protection area.</li></ul> |
| Dams   | <ul style="list-style-type: none"><li>• The catchment of all dams on the land does not exceed 10% of the land area.</li><li>• Does not comprise designated development listed in Schedule 3 to the <i>Environmental Planning and Assessment Regulation 1994</i>.</li><li>• Vehicles loading/unloading stock must be contained wholly within the land.</li></ul>  |
| Stock yards  | <ul style="list-style-type: none"><li>• Does not include works or buildings for chemical treatment of stock such as stock dips and the like.</li></ul>   |
| Structures used for supplementary feeding of stock (ie self-feeders)                 | <p>Excluding buildings with roofs that are enclosed or which otherwise contain animals within the structure.</p> <ul style="list-style-type: none"><li>• Not exceeding 2.4 metres in height.</li><li>• Not exceeding 6 metres in height.</li></ul>   |
| Grain silos  | <ul style="list-style-type: none"><li>• In close proximity, or attached to, other farm buildings or otherwise generally obscured from view from public places in the vicinity.</li></ul>   |
| Alterations to farm outbuildings   | <ul style="list-style-type: none"><li>• Internal partitioning of farm buildings not involving the removal or relocation of load bearing walls.</li><li>• Produce grown by residents primarily for immediate domestic consumption.</li><li>• Does not involve the erection of a building.</li></ul>   |
| Roadside sale of produce grown in association with and ancillary to a dwelling house | <ul style="list-style-type: none"><li>• Does not adversely affect the amenity of the locality.</li><li>• Does not adversely affect traffic movement in the vicinity.</li><li>• Only one business identification sign being a sign located on the land.</li></ul>   |



## RECREATION AND PUBLIC LAND

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| Goal posts, sights screens and similar ancillary sporting structures on sporting or playing fields for use in the playing or performance of sporting events | <ul style="list-style-type: none"><li>• Construction by or for the Council and installed in accordance with relevant Australian Standards and the <i>Building Code of Australia</i>, where applicable.</li><li>• Located in public parks or recreation areas.</li></ul>                                   |
| Park and street furniture, seats, bins, picnic tables, minor shelters   | <ul style="list-style-type: none"><li>• Construction by or for the Council.</li><li>• Designed, fabricated and installed in accordance with relevant Australian Standards and the <i>Building Code of Australia</i>, where applicable.</li><li>• Located on land under control of the Council.</li></ul>  |
| Playground equipment on land classified as community land   | <ul style="list-style-type: none"><li>• Constructed by or for the Council and designed, fabricated and installed in accordance with AS 1924.1-1981, AS 1924.2-1981, AS/NZS 4422:1996 and AS/NZS 4486.1-1997.</li><li>• On or adjacent to sporting fields.</li><li>• Identifying event sponsors.</li></ul> |
| Advertisements near sportsfields  | <ul style="list-style-type: none"><li>• Directed towards spectator areas.</li><li>• Removable signs or fixed to fence enclosures, spectator stands or scoreboards.</li></ul>  |
| Street stalls in business areas   | <ul style="list-style-type: none"><li>• Period and location approved in writing by the Council.</li></ul>   |

## ANCILLARY USE OF DWELLING HOUSES

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| Home business | <ul style="list-style-type: none"><li>• Carried out from wholly within a dwelling house which does not involve:<ul style="list-style-type: none"><li>• a brothel, or</li><li>• a shop, or</li></ul></li><li>• any interference with the amenity of the locality, or</li><li>• signs other than a business identification sign which is displayed as exempt development in accordance with this Plan.</li></ul> |
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- Carried out in a dwelling house.
  - Provided by a carer authorised by Department of Community Services.
  - The service is provided for up to 7 children being cared for at any one time including any children of the carer.
  - Where only one bedroom is provided for the use of paying guests in an existing dwelling house.
  - Fire extinguisher and fire blanket provided in the kitchen.
  - Fire alarms provided in guest bedroom.
- Home child care
- Carried out in only one dwelling house on the land where there is more than one dwelling on the land.
  - Food preparation complies with the *Food Act 1989* and Regulations under that Act.
- Bed and breakfast accommodation

## ADVERTISEMENTS

- Must not cover mechanical ventilation inlet or outlet vents.
  - Structures over a public road must be setback at least 600 millimetres from kerb/roadway edge.
  - Do not include flashing or moving components.
  - Do not advertise the location or use of a brothel.
  - One per premises.
- General
- Signs not exceeding 2 square metres in area.
  - Wholly within the property to which it relates.
  - Not illuminated.
  - One per premises.
- Business identification signs in a zone other than a living zone or the commercial zone or industrial zone (Zone 2, 2.1, 3 (d) or 4 (c))
- Signs not exceeding 0.75 square metre in area.
  - Wholly within the property to which it relates.
  - Not illuminated.
- Business identification signs in the living zones (Zones 2 and 2.1)

- Business identification signs in the commercial zone (Zone 3 (d)) and neighbourhood centres (as identified in a development control plan)
- Signs suspended under awning:
- One per premises.
  - Securely fixed by metal supports.
  - Not exceeding 1.5 square metres in area.
  - If over a public road, suspended at a height no less than 2.6 metres above ground/pavement level.
- Vertical or horizontal projecting wall signs:
- One per premises.
  - Not illuminated.
  - Securely fixed by metal supports.
  - Not exceeding 2.5 square metres in area.
  - If over a public road, erected at a height no less than 2.6 metres above ground/pavement level.
  - Not erected on a heritage item, unless using fixings approved for the purpose by the Council.
- Flush wall signs:
- Not exceeding 2.5 square metres in area.
  - Securely fixed.
  - If over a public road, erected at a height no less than 2.6 metres above ground/pavement level.
  - Not erected on a heritage item, unless using fixings approved for the purpose by the Council.
  - One pole or pylon sign (including directory boards for multiple occupancies) not exceeding 5 square metres in area and 5 metres in height.
  - Does not obscure view of entry or exit to the premises or reduce distance from which it can be seen.
- Business identification signs in the Industrial zone (Zone 4 (c))
- For multiple occupancies, one additional business identification sign not exceeding 2 metres by 0.6 metre, at the entrance to each occupied unit.
  - For single occupancies, one additional business identification sign affixed to the building with an area that does not exceed 20% of the area of the front elevation of the building.

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| Real estate signs in the living zones (Zones 2 and 2.1)                                    | <ul style="list-style-type: none"><li>• One sign per agent/business per premises.</li><li>• Not exceeding 2.5 square metres in area.</li></ul>   |
| Real estate signs in the commercial, industrial or rural zone (Zone 3 (d), 4 (c) or 1 (e)) | <ul style="list-style-type: none"><li>• One sign per premises.</li><li>• Signs not exceeding 3.5 square metres in area.</li></ul>  |
| Temporary sign   | <ul style="list-style-type: none"><li>• Not displayed earlier than 28 days before the event to which it relates is to take place.</li><li>• Not displayed more than 7 days after the event.</li><li>• Only if displayed by the Council and giving directions or information about the local government area and community services provided by the Council.</li><li>• Street name signs, and the following directional or traffic control signs in accordance with AS 1742.1-1991 <i>Manual of uniform traffic control devices—General introduction and index of signs</i>:<ul style="list-style-type: none"><li>• guide signs</li></ul></li></ul> |
| Public information or traffic signs on or adjacent to public roads                         | <ul style="list-style-type: none"><li>• warning signs</li><li>• temporary warning signs</li><li>• regulatory signs</li><li>• parking signs</li><li>• hazardous markers</li><li>• service symbols</li></ul>   |
| Signs on or adjacent to public roads   | <ul style="list-style-type: none"><li>• Banners announcing any local event on the land of a religious, educational, cultural, political, social or recreational character or to any temporary matter in connection with such an event, not including advertising of a commercial nature, other than the name of an event's sponsors, fixed by or for the Council to structures erected on a public road with the approval of the roads authority.</li><li>• Advertisement on a public seat or bus shelter subject to contractual arrangements being made with the Council.</li></ul>   |
| Window signs   | <ul style="list-style-type: none"><li>• Where the sign covers up to 30% of the glazed area of the window.</li></ul>  |

Advertisements not visible from adjacent land or public places

- Advertisement on land other than land which comprises a public place, which is not visible from outside the land on which it is displayed.
- Not on the site of a heritage item.

## **DEMOLITION**

Demolition

- Demolition of any building (other than a retaining wall) the erection of which would be exempt development for the purposes of this Plan.
- Carried out in accordance with AS 2601-1991—*The demolition of structures*.
- Building is not listed as a heritage item or as a notable feature in an inventory sheet in the Leeton Main Street Heritage Study.

## **USE OF EXISTING BUILDINGS**

Schools or clubs

- Being use for meetings, administration or other purposes of minimal environmental impact of schools, clubs or land by community groups or organisations.

## **CHANGE OF USE OF EXISTING BUILDINGS**

- Different use resulting from a change of use—General requirements
- The building is lawfully used or has been lawfully constructed to be used for a purpose as listed below.
  - The building is not to be used for an unlawful purpose.
  - The use does not include the display, exhibition or sale of restricted publications.
  - The use does not involve a business concerned with the display or exhibition of any article primarily concerned with sexual behaviour.
  - The curtilage of the building is not used for storage or display purposes.
  - Where any existing conditions of a consent relating to hours of operation, landscaping, parking of vehicles, loading or unloading of vehicles apply, those conditions are observed.
  - At least 5 working days' written notice is given to the Council of the proposed change of use by the owner or occupier with the owner's consent, and that notice contains a description of the building sufficient to identify the building and a statement of the particular purpose for which the building will be used after the notice has been given.
- Change of use:  
Shops, restaurants, business premises or offices in the commercial zone
- A building which is lawfully used or has been lawfully constructed for use for the purpose of a shop of a particular kind, business premises of a particular kind or office premises of a particular kind the building may be used for the purpose of a shop, business premises or office of another kind.
  - A building which is lawfully used or has been lawfully constructed for use for the purpose of an industry, may be used for the purpose of a light industry or warehouse.
- Change of use:  
Light industries or warehouses in the industrial zone
- A building which is lawfully used or has been lawfully constructed for use for the purpose of a light industry, or a warehouse, of a particular kind may be used for the purpose of a light industry or warehouse of a different kind.
  - The gross floor area of the building does not exceed 2,000 square metres.

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| Restaurants and food shops | <ul style="list-style-type: none"><li>• A building which is lawfully used or has been lawfully constructed for use for the purpose of a restaurant or a food shop of a particular kind, may be used for a restaurant or food shop of another kind.</li><li>• The new use must not be for fast food outlets or restaurants with drive-through facilities.</li></ul> |
| Assembly buildings         | <ul style="list-style-type: none"><li>• A building which is lawfully used or has been lawfully constructed for use as a Class 9b building (“Assembly building”) may be used for public meetings.</li></ul>   |
| Public buildings           | <ul style="list-style-type: none"><li>• A building which is lawfully used or has been lawfully constructed for use as a public building may be used temporarily for a place of public entertainment.</li><li>• The use does not exceed 7 days.</li></ul>   |

### HERITAGE ITEMS

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|--|---|
| Removal of features of heritage items identified as unsympathetic/inappropriate in the heritage study inventory sheet for the land | <ul style="list-style-type: none"><li>• Replacement with features compatible with the heritage style recorded on the heritage study inventory sheet applying to the land.</li></ul>                           |
| Repainting of painted and/or rendered external surfaces  | <ul style="list-style-type: none"><li>• Using paint manufacturer’s heritage colour schemes.</li><li>• Excludes painting of previously unpainted or rendered face bricks on facades or return walls.</li></ul> |
| Restoration of heritage features of a building that is a heritage item   | <ul style="list-style-type: none"><li>• Restoration compatible with the heritage style of the building as recorded on the heritage study inventory sheet applicable to the land.</li></ul>                    |
| Non-structural alterations   | <ul style="list-style-type: none"><li>• Do not affect notable features recorded on the heritage study inventory sheet applying to the land.</li></ul>   |

## Schedule 3 Other development that does not require consent

(Clause 11)

Development does not require the consent of the Council where:

- (a) it is listed in this Schedule and complies with any specified conditions in this Schedule,
- (b) in the case of development consisting of or involving the erection of a building, it meets the requirements of the *Building Code of Australia*,
- (c) it is carried out in compliance with the manufacturer’s instructions and Australian Standards where relevant,

- (d) if it involves the erection of a building, it is constructed with new materials unless otherwise specified in this Schedule, and
- (e) if it involves the erection of a building, it is not situated over a sewer main or within an easement.

**(1) Development by public authorities**

Development by or on behalf of a public authority comprising:

- (a) use of existing buildings of the Crown, or
- (b) works for the purpose of:
  - utility undertakings for the provision of water, sewerage, drainage, electricity or gas services, or
  - railways on railway land, including buildings for any purpose within the environs of an existing railway station, but excluding buildings for purposes other than railway purposes with access to a public place.
  - Works carried out by roads authorities on public roads or land reserved for the purpose of public roads.
  - Forestry work by the Forestry Commission on Crown land, including afforestation, roads, forest management practices, cutting and marketing of timber and other forestry land uses permitted under relevant Acts.
  - Improving and maintaining travelling stock, camping and water reserves by a rural lands protection board not being development consisting of or involving the erection of buildings.
  - Soil conservation works, afforestation, flood mitigation, water conservation or river improvement carried out or authorised by the Department of Land and Water Conservation.
  - Cemetery undertakings by or on behalf of the Council on cemetery land.

**(2) Subdivision**

Subdivision for the purpose of excising from an allotment of land which is, or is intended to be, used for public purposes, including drainage purposes, bushfire or rescue service purposes or public conveniences not involving the public acquisition of the land.

**(3) Bushfire hazard reduction**

Bushfire hazard reduction carried out in accordance with a plan of operations approved by the rural fires authority for the land concerned.



**(4) Railway sidings in industrial areas**

Development for the purpose of railway sidings servicing land within the Industrial zone.

**(5) Use of Crown land or reserves**

Use of Crown land or Crown reserves for the purpose for which the land is dedicated or reserved but excluding the erection of buildings or creation of access to a public road.

**Schedule 4 Complying development**

(Clause 9)

Development is complying development only if:

- (a) it is listed in the Complying Development Table to this Schedule and satisfies the standards and other requirements specified in relation to it, and
- (b) it is carried out on a site which has been identified by the Council as being free from contamination where:
  - (i) the site has been used for a service station, or for the storage or use of fuel or chemicals used in agriculture in commercial quantities, or
  - (ii) the site was used for horticulture within the period of 8 years prior to the issue of the complying development certificate, or
  - (iii) the site has been used for mining or extractive industries, and
- (c) it complies with the deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (d) it complies with any relevant manufacturer's instructions and applicable Australian Standards, and
- (e) in the case of development that consists of or involves the erection of a building, the building is constructed with new materials unless otherwise specified in that Table, and
- (f) in the case of development that consists of or involves the erection of a building, the building is not situated over a sewer main or within an easement unless the siting of the development has been approved by the Council, and
- (g) it is not on land which comprises a heritage item, and
- (h) it has any necessary approval for water and sewerage services, and
- (i) it is not on land within Zone 7 (a) or 7 (b).

**Complying Development Table**

**Erection and use, or carrying out, of the following**

**Standards and other requirements**

**RESIDENTIAL DEVELOPMENT**

Single storey detached dwelling house (including alterations and additions) in the Living zones, which may include creating habitable roof space within a space covered by a pitched roof.

**General**

- The development results in only one dwelling on the land.
- Drains to the street or interlot drainage system approved by the Council.

**Site access**

- Access from the lot to the public road includes a single kerb and gutter crossing situated a minimum of 6 metres from a road intersection and at least 500 millimetres clear of drainage structures within the kerb and gutter.
- Driveways constructed in accordance with AS 2890.1-1993—*Parking facilities—Off-street car parking*.

**Streetscape**

- The front elevation (that is, the elevation facing a public road) includes relief elements such as a front door or doors, windows and a verandah or porch. For corner lots, one frontage to a public road may be nominated by the applicant to be the front elevation.
- A minimum of 1 covered car parking space is provided.
- External materials of any alterations or extensions match the existing dwelling house.
- Carports and garages are located at or behind the building line of the dwelling house.
- Where they form part of the front elevation, carports and garages have a maximum width of 6 metres or 50% of the lot width at the building line, whichever is less.
- Building is set back a minimum of 6 metres from public road alignments unless the land has frontage to an arterial road where the setback must be a minimum of 9 metres.

**Energy efficiency**

The dwelling has at least a 3.0 star rating under the House Energy Rating Scheme (NatHERS).

#### **Bulk and scale**

- The external wall of any structure is at least 900 millimetres from each side and the rear boundary, excluding eaves and gutters which must be at least 625 millimetres from these boundaries.
- The main private open space area and all windows to any habitable room in a neighbouring dwelling are not overshadowed between 10 am and 3 pm on 21 June as a result of the development.
- The site coverage of all buildings is 50% or less.
- Roof pitch is not greater than 40°.
- Floor level of the dwelling at any point is no more than 1m above natural ground level.
- The distance between the floor level and underside of the eaves is no more than 2.7 metres.

#### **Privacy and security**

Windows in a habitable room that allow an outlook to a window to a habitable room in a neighbouring dwelling and are within 5 metres of that window:

- are offset from the edge of one window to the edge of the other by a distance of at least 0.5 metre, or
- have sill heights of at least 1.7 metres above floor level or
- have fixed obscure glazing in all parts of the window below 1.7 metres, or
- are obscured by a boundary fence up to 1.8 metres high.

#### **Open space and landscaping**

A minimum of 30 percent of the site must be soft landscaped, that is, not covered with a building or sealed surface such as a path or driveway.

#### **Site access and parking**

- Access from the lot to the public road must be gained only from a single kerb and gutter crossing situated a minimum of 6 metres from a road intersection and at least 500 millimetres clear of drainage structures within the kerb and gutter.
- Driveways must be constructed in accordance with AS 2890.1-1993—*Parking facilities—Off-street car parking*.
- A minimum of one covered car parking space.

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| Bed and breakfast accommodation in an existing dwelling house, not being exempt development | <ul style="list-style-type: none"><li>• Up to three bedrooms are provided for the use of paying guests in the existing dwelling house</li><li>• Off-street car parking provided at the rate of 1 space for resident parking and 1 space for each guest bedroom.</li><li>• Toilet and bathroom facilities provided specifically for guests in addition to facilities for residents.</li><li>• Fire extinguisher and fire blanket provided in the kitchen.</li><li>• Fire alarms provided in guest bedrooms.</li><li>• Carried out in only one dwelling house on a site comprised of more than one allotment.</li><li>• Complies with all standards and other requirements listed above for single detached dwelling houses.</li><li>• A maximum of 5 bedrooms which accommodate up to 2 persons in each bedroom.</li></ul> |
| Group home  | <ul style="list-style-type: none"><li>• Off-street car parking provided at the rate of 1 space for every 2 bedrooms.</li><li>• The car parking must be sited behind the building line of the buildings.</li><li>• Involves use of a building constructed for, and previously used, as a dwelling house.</li><li>• Up to a maximum of 3 health care professionals and 3 support staff.</li></ul>   |
| Health consulting rooms   | <ul style="list-style-type: none"><li>• If the rooms result from additions and alterations they must be made to the rear of the building only, with a maximum site coverage of 50% for the whole building.</li><li>• Provision of 2 paved car parking spaces behind the rear building line of the building for each practising health care professional.</li><li>• Car parking spaces must be available for use by staff and/or patients.</li></ul>   |
| Garages and carports  | <ul style="list-style-type: none"><li>• Designed for use in association with and on the same land as, an existing dwelling house.</li><li>• Set back at least the same distance as the front building line of the dwelling house.</li></ul>   |

- Swimming pools (being work for the purpose of swimming pools)
- General**
- Ancillary to a dwelling house.
  - Not designed for public use.
  - On lots over 1,000 square metres.
- Streetscape**
- Located behind the front building line of the dwelling house.
- Bulk and scale**
- Coping and decking around the pool is no more than 1.2 metres above natural ground level.
  - The pool is at least 900 mm from side and rear boundaries.
- Privacy**
- The noise level of any filtration equipment and pumps does not exceed 5dB(A) above ambient background level measured at the property boundary.

## COMMERCIAL DEVELOPMENT

- Shop fitout (internal only)
- Does not increase the gross floor area of the building
- Different use of an existing building resulting from change of use to restaurant
- In the commercial zone only and in a building lawfully used or constructed to be used for a shop, business premises, or office.
  - Complies with the National Code for the Construction and Fitout of Food Premises.
  - Internal alterations or rear additions not visible from a public place.
- Alterations and additions to commercial buildings
- Provision for car parking at the rate determined by the Council as applicable to the use.

## INDUSTRIAL DEVELOPMENT

- Building in the Industrial Zone designed for use for industry, light industry, or a warehouse (including alterations and additions to any such building)
- General**
- Ancillary office and retail floor space, if any, does not exceed 30% of the total floor space in the building.

**Bulk and scale**

- Building has up to 500 square metres gross floor area.
- Maximum of 50% site coverage.
- Setback 10 metres from a street alignment or a distance equivalent to 50% of the lot frontage, whichever is the greater.
- Height of any walls or roof is no more than 6 metres.
- Roof pitch up to a maximum of 20 degrees.

**Services**

- Complies with the Council's Trade Waste Policy.
- All necessary services are connected including reticulated water, sewerage, drainage, electricity and telecommunications.
- On-site retention of storm water.
- Drainage from the site does not exceed the calculated flow discharge existing prior to carrying out the development.

**Traffic and access**

- Vehicle crossings provided in kerb and gutter to the Council's standard for industries.
- Adequate on-site manoeuvring area so that semi-trailers do not have to reverse on or off a public road. This area is to be formed, and a gravel surface at the rear of the building drained to public drainage system approved by the Council is to be provided.
- Off-street car parking at the rate of 1 space per 90 square metres of gross floor area.

### **Streetscape**

- Security fencing does not encroach within the front setback area.
- Brick or masonry facade.
- Where an ancillary office or sales area is proposed to extend beyond the front of an industrial building, all external walls of the office or sales area must be face brick.
- Landscaped area adjacent to front boundary with a minimum width of 3 metres incorporating a range of trees and shrubs with trees capable of growing to at least the roof of the building.
- Outdoor storage of materials is screened from public places.
- Not visible from the adjoining road.

Ancillary industrial buildings (being ancillary sheds, storage sheds or plant buildings, but not including exempt development)

- Buildings do not intrude into a landscaped area, car parking, manoeuvring or loading areas required by a development consent or complying development certificate.

### **MINOR SUBDIVISIONS**

Boundary adjustments

- The adjustment does not create an additional lot.
- Any buildings contained on the land comply with the fire safety and setback requirements under the *Building Code of Australia* after the subdivision.
- The resulting lots comply with the appropriate minimum lot size for the zone.
- Not affecting land in Zone 7 (a) or 7 (b).

Rectifying an encroachment

- Buildings contained on the land comply with fire safety and setback requirements under the *Building Code of Australia* after the subdivision.

Strata subdivision

- Lot boundaries conform to external and partition walls of buildings and fence lines, as determined in a development consent or complying development certificate for the building.
- The car parking spaces for each lot are allocated to the same lot number as the corresponding lots.
- Visitor parking spaces are within common property.
- External walls, doors, windows and roofs are complete.
- Internal walls, doors, windows and roofs are complete.
- Internal floors, walls and ceilings are complete.
- Driveways, landscaping, garbage and mail facilities are complete.
- All compulsory services including reticulated water, sewerage, drainage, electricity, and telecommunications are connected or formal binding arrangements made for connection.

## Schedule 5 Notified development

(Clause 17)

- 1 In respect of land within the living zones (Zones 2 and 2.1), development for the purpose of any of the following:
  - (a) clubs,
  - (b) dual occupancies,
  - (c) institutions,
  - (d) residential units,
  - (e) veterinary clinics.
- 2 Development for the purpose of brothels.

## Schedule 6 Heritage items

(Clause 23 (2), Schedule 1)

<b>Property title or description</b>	<b>Address location</b>	<b>Item (including the site unless otherwise specified)</b>	<b>Significance</b>
Lot 1 DP 849882	Daalbata Road Leeton	Cottage Henry Lawson	State



## Schedule 7 Land classified as operational land

(Clause 27)

<b>Address</b>	<b>Property description</b>
Boronia Road	Lots 30-33, DP 815968
5-7 Brobenah Road Leeton	Portion 497, DP 751742 Lot 20, DP 809152
Brobenah Road Leeton	Lot 2, DP 716572
Karri Road Leeton	Lots 1 and 3, DP 746101
Karri Road Leeton	Lot 1, DP 706818 Portion 543, DP 751742 Lot 2, DP 701957 Portion 210, DP 751742
Racecourse Road	Lot 1, DP 828640 Portion 610, DP 751745 Lot 1, DP 775900 Pt Portion 529, DP 751745
Teramo Street Leeton	Portion 217, DP 751742
Teramo Street Leeton	Lots 8, 18 and 23, DP 815968
Toorak Road	Lot 2, DP 611148
No 1 Pump Station Tulipwood Road	DP 751742
Tourist Caravan Park Yanco Avenue Leeton	Portion 85, DP 751745 NIP 11