



New South Wales

Maclean Local Environmental Plan 2001 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G01/00113/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 9

Clause 1 Maclean Local Environmental Plan 2001 (Amendment No 3)

Maclean Local Environmental Plan 2001 (Amendment No 3)

1 Name of plan

This plan is *Maclean Local Environmental Plan 2001 (Amendment No 3)*.

2 Aims of plan

This plan aims:

- (a) to permit, with development consent, the use of premises or land for the purposes of a brothel only within the Zone No 4 (a) Industrial Zone, and
- (b) to permit, with development consent, the use of premises or land for the purposes of restricted premises only within the Zone No 3 (a) Business and 4 (a) Industrial Zones.

3 Land to which plan applies

This plan applies to all land within the local government area of Maclean.

4 Amendment of Maclean Local Environmental Plan 2001

The *Maclean Local Environmental Plan 2001* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Dictionary

Insert in alphabetical order in clause 7 (1):

brothel means premises habitually used for the purposes of prostitution, or that have been used for that purpose and are likely to be used again for that purpose and includes premises used by only one prostitute for the purposes of prostitution.

prostitution has the meaning given by the *Summary Offences Act 1988*.

restricted premises means a building or place used or intended for use as a shop in which:

- (a) any classified publications (other than unrestricted publications) within the meaning of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* are available for sale or rental to the public, or
- (b) a business is conducted involving selling or disposing of products to which section 578E of the *Crimes Act 1900* applies, or
- (c) a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with sexual behaviour, but which is not printed matter.

[2] Clause 31 Rural zones applying in this plan, zone objectives and development control table

Insert “brothels;” in appropriate order under the heading “Prohibited” wherever occurring in respect of Zones No 1 (a), No 1 (b), No 1 (i), No 1 (r), No 1 (s) and No 1 (t) in the Table to the clause.

[3] Clause 31, Table

Insert “restricted premises;” in appropriate order under the heading “Prohibited” wherever occurring in respect of Zones No 1 (a), No 1 (b), No 1 (i), No 1 (r), No 1 (s) and No 1 (t).

2002 No 9

Maclean Local Environmental Plan 2001 (Amendment No 3)

Schedule 1 Amendments

[4] Clause 31, Table

Omit “Nil.” where occurring under the heading “Prohibited” in respect of Zone No 1 (w).

Insert instead:

Development for the purpose of:
brothels; restricted premises.

[5] Clause 46 Residential, business and industrial zones applying in this plan, zone objectives and development control table

Insert “restricted premises;” in appropriate order under the heading “Only with development consent” in respect of Zone No 3 (a) in the Table to the clause.

[6] Clause 46, Table

Omit “Nil.” where occurring under the heading “Prohibited” in respect of Zone No 3 (a).

Insert instead:

Development for the purpose of:
brothels.

[7] Clause 46, Table

Insert “brothels;” in appropriate order under the heading “Only with development consent” in respect of Zone No 4 (a).

[8] Clause 46, Table

Insert “restricted premises;” in appropriate order under the heading “Only with development consent” in respect of Zone No 4 (a).

[9] Clause 53 Special use and open space zones applying in this plan, zone objectives and development control table

Omit “Nil.” where occurring under the heading “Prohibited” in respect of Zones No 5 (a), No 6 (a) and No 6 (b) in the Table to the clause.

Insert instead:

Development for the purpose of:
brothels; restricted premises.

[10] Clause 57 Environmental protection zones applying in this plan, zone objectives and development control tables

Omit “Nil.” where occurring under the heading “Prohibited” in respect of Zone No 7 (a) in the Table to the clause.

Insert instead:

Development for the purpose of:
brothels; restricted premises..

[11] Clause 57, Table

Insert “brothels;” in appropriate order under the heading “Prohibited” in respect of Zone No 7 (e).

[12] Clause 57, Table

Insert “restricted premises;” in appropriate order under the heading “Prohibited” in respect of Zone No 7 (e).