

2006 No 666



New South Wales

Burwood Local Environmental Plan No 69

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*. (S03/03445/S69)

FRANK SARTOR, M.P.,
Minister for Planning

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Clause 1 Burwood Local Environmental Plan No 69

Burwood Local Environmental Plan No 69

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Burwood Local Environmental Plan No 69*.

2 Aims of plan

This plan aims:

- (a) to zone part of the land to which this plan applies from land reserved for Open Space—Recreation to Zone No 2 (c1) Residential “C1” under the *Burwood Planning Scheme Ordinance*, and
- (b) to enable Burwood Council, by means of this plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993 (the 1993 Act)*, and
- (c) to enable the Council to reclassify part of the land to which this plan applies from community land to operational land within the meaning of the 1993 Act.

3 Land to which plan applies

- (1) In respect of the aims set out in clause 2 (a) and (c), this plan applies to land situated in the local government area of Burwood, being land known as 24 and 26 Everton Road, Strathfield (part of Lot 18, Section 2, DP 978482 and Lot 181, DP 998619, respectively), as shown edged heavy red on the map marked “Burwood Local Environmental Plan No 69” deposited in the office of Burwood Council.
- (2) In respect of the aim set out in clause 2 (b), this plan applies to all land within the local government area of Burwood.

4 Amendment of Burwood Planning Scheme Ordinance

The *Burwood Planning Scheme Ordinance* is amended as set out in Schedule 1.

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Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Insert in alphabetical order in clause 4 (1):

community land has the same meaning as in the *Local Government Act 1993*.

operational land has the same meaning as in the *Local Government Act 1993*.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

[2] Clause 4 (1), definition of “scheme map”

Insert in appropriate order:

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[3] Clause 4A

Insert after clause 4:

4A Notes

Notes in this Ordinance are provided for guidance and do not form part of this Ordinance.

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Schedule 1 Amendments

[4] Clause 88

Insert after clause 87:

88 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this Ordinance, to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
Note. Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Ordinance to discharge trusts on which public reserves are held if the land is reclassified under this Ordinance as operational land.
- (2) The public land described in Part 1 or 2 of Schedule 12 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 12 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 12:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 12, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant classification Plan and, by the operation of that Plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 12, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

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Amendments

Schedule 1

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- (6) In this clause, the ***relevant classification Plan***, in relation to land described in Part 2 of Schedule 12, means the environmental planning instrument that inserted that description of land into that Part.
 - (7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 12, the Governor approved of subclause (5) applying to the land.

[5] Schedule 12

Insert after Schedule 11:

Schedule 12 Classification and reclassification of public land

(Clause 88)

Part 1 Classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Part 2 Classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged

Strathfield

24 Everton Road

Part of Lot 18, Section 2, DP 978482, as shown edged heavy red on the map marked “Burwood Local Environmental Plan No 69” deposited in the office of the Council.

Easement for transmission line as referred to in Deed of Conveyance Book 2348 No 121.

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
26 Everton Road	Lot 181, DP 998619, as shown edged heavy red on the map marked "Burwood Local Environmental Plan No 69" deposited in the office of the Council.	Easement for overhanging eaves and guttering, and easement for transmission line, as noted on Certificate of Title Folio Identifier 181/998619.

Part 3 Classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

BY AUTHORITY