



New South Wales

Wollondilly Local Environmental Plan 1991 (Amendment No 52)

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*. (Q02/00304/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 396

Clause 1 Wollondilly Local Environmental Plan 1991 (Amendment No 52)

Wollondilly Local Environmental Plan 1991 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wollondilly Local Environmental Plan 1991 (Amendment No 52)*.

2 Aims of plan

- (1) This plan aims to amend *Wollondilly Local Environmental Plan 1991*:
 - (a) to rezone certain land to which this plan applies, and
 - (b) to reclassify certain land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.
- (2) This plan also aims to incidentally make more extensive provision in *Wollondilly Local Environmental Plan 1991* for the classification or reclassification of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land as operational) of the *Local Government Act 1993*.

3 Land to which plan applies

- (1) To the extent that this plan rezones land, this plan applies to so much of Part Lot 69 Sec C, DP 1569, 56 Carlton Road, Thirlmere, Part Lot 70 Sec C, DP 1569, 58 Carlton Road, Thirlmere, Part Lot 71 Sec C, DP 1569, 60 Carlton Road, Thirlmere, Part Lot 12 Sec C, DP 1569, Westbourne Avenue, Thirlmere and Lot 111, DP 736213, Westbourne Avenue, Thirlmere, as shown edged heavy black on Sheet 1 of the map marked "Wollondilly Local Environmental Plan 1991 (Amendment No 52)" deposited in the office of the Council of the Shire of Wollondilly.
- (2) To the extent that this plan reclassifies land, this plan applies to Lot 111, DP 736213, Westbourne Avenue, Thirlmere, as shown edged heavy black on Sheet 2 of the map marked "Wollondilly Local Environmental Plan 1991 (Amendment No 52)" deposited in the office of the Council of the Shire of Wollondilly.

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- (3) To the extent that this plan discharges certain land from certain trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land, this plan applies to Lot 1, DP 974402, Spring Creek Road, Mount Hunter, Lots 6 and 7, SP 40957, Abelia Street, Tahmoor and Lot 70, DP 258766, McKee Road, Theresa Park, as shown edged heavy black and hatched on the map marked “Wollondilly Local Environmental Plan 1991 (Amendment No 36)” deposited in the office of the Council of the Shire of Wollondilly.

4 Amendment of Wollondilly Local Environmental Plan 1991

Wollondilly Local Environmental Plan 1991 is amended as set out in Schedule 1.

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Wollondilly Local Environmental Plan 1991 (Amendment No 52)

Schedule 1 Amendments

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(Clause 4)

[1] Clause 6 Definitions

Insert in appropriate order in the definition of *the map* in clause 6 (1):

Wollondilly Local Environmental Plan 1991 (Amendment No 52)

[2] Clause 39

Omit the clause. Insert instead:

39 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 6 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 6 is not affected by the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.
- (3) Land described in Part 2 of Schedule 6:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 6, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending 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 3 of Schedule 6, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 6, means the local environmental plan that inserted the land description in that Part.
- (6) Before the relevant amending plan inserted a description of land into Part 3 of Schedule 6, the Governor approved of subclause (4) applying to the land.

[3] Schedule 6 Classification and reclassification of public land as operational land

Insert before the matter relating to Bargo:

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

Column 1	Column 2
Locality	Description

[4] Schedule 6, Part 1

Omit the matters relating to Mount Hunter, Tahmoor and Theresa Park.

[5] Schedule 6, Parts 2 and 3

Insert after Part 1:

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

Column 1	Column 2
Locality	Description
<u>Thirlmere</u>	
Westbourne Avenue	Lot 111, DP 736213, as shown edged heavy black on Sheet 2 of the map marked “Wollondilly Local Environmental Plan 1991 (Amendment No 52)”.

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Wollondilly Local Environmental Plan 1991 (Amendment No 52)

Schedule 1 Amendments

Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
<u>Mount Hunter</u>		
Spring Creek Road	Lot 1, DP 974402, as shown edged heavy black and hatched on Sheet 1 of the map marked "Wollondilly Local Environmental Plan 1991 (Amendment No 36)".	
<u>Tahmoor</u>		
Abelia Street	Lots 6 and 7, SP 40957, as shown edged heavy black and hatched on Sheet 2 of the map marked "Wollondilly Local Environmental Plan 1991 (Amendment No 36)".	
<u>Theresa Park</u>		
McKee Road	Lot 70, DP 258766, as shown edged heavy black and hatched on Sheet 3 of the map marked "Wollondilly Local Environmental Plan 1991 (Amendment No 36)".	

BY AUTHORITY