



New South Wales

Ashfield Local Environmental Plan 1985 (Amendment No 114)

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*. (S06/00835/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 361

Clause 1 Ashfield Local Environmental Plan 1985 (Amendment No 114)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ashfield Local Environmental Plan 1985 (Amendment No 114)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone certain land from Zone No 4 (b) (Light Industrial Zone) to Zone No 2 (b) (Residential Zone), and
- (b) to zone certain land no longer required for a County Road Widening Reservation for purposes compatible with the zoning of adjoining and nearby land, and
- (c) to permit on certain land, with the consent of Ashfield Municipal Council, the erection of dwelling-houses on allotments smaller than the minimum size that would otherwise be allowed, and
- (d) to permit, with the consent of the Council, development for the purposes of markets on certain land in Zone No 5 (a) (Special Uses, Schools, etc Zone).

3 Land to which plan applies

This plan applies:

- (a) in relation to the amendments made by Schedule 1 [1] and [3]—to the land shown by distinctive colouring, lettering or edging on Sheets 1–6 of the series of maps marked “Ashfield Local Environmental Plan 1985 (Amendment No 114)” deposited in the office of the Council, and
- (b) in relation to the amendment made by Schedule 1 [2]—to certain land in Zone No 5 (a) (Special Uses, Schools, etc Zone).

4 Amendment of Ashfield Local Environmental Plan 1985

Ashfield Local Environmental Plan 1985 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

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

Ashfield Local Environmental Plan 1985 (Amendment No 114)—Sheets 1–6

[2] Clause 24A

Insert after clause 24:

24A Markets on land within Zone No 5 (a)

- (1) This clause applies to land in Zone No 5 (a) that is zoned as follows:
 - (a) Special Uses (Church),
 - (b) Special Uses (Church and School),
 - (c) Special Uses (School),
 - (d) Special Uses (Kindergarten),
 - (e) Special Uses (Civic Purposes),
 - (f) Special Uses (Community),
 - (g) Special Uses (Community Purposes).
- (2) Despite any other provision of this plan, a person may, with the consent of the Council, carry out development for the purpose of a market on land to which this clause applies.
- (3) In this clause, *market* means a building or place for the sale of goods by a number of vendors each of whom operates from a temporary booth or stand.

[3] Clauses 55–57

Insert after clause 54:

55 Development of certain land at Milton Street and Park Avenue, Ashfield

- (1) This clause applies to land in the vicinity of Milton Street and Park Avenue, Ashfield and shown coloured light scarlet and edged heavy black on Sheet 1 of the series of maps marked “Ashfield Local Environmental Plan 1985 (Amendment No 114)” deposited in the office of the Council.

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Schedule 1 Amendments

- (2) Despite clause 11, the Council may consent to the erection of a dwelling-house on an allotment of land that has an area of less than 500 m² and a width of less than 15 metres at the front alignment of the proposed dwelling-house if:
 - (a) the minimum area of the allotment on which the dwelling-house is to be erected is between 170 and 250 square metres (exclusive of the area of any access corridor), and
 - (b) the total number of allotments created from the land mentioned in subclause (1) is not more than 2.
- (3) The Council may not grant consent under subclause (2) unless:
 - (a) the Council has considered whether the land is contaminated, and
 - (b) if the land is contaminated—the Council is satisfied the land is suitable in its contaminated state, or will be suitable after remediation, for the purpose of the proposed development, and
 - (c) if the land requires remediation to be made suitable for the purpose of the proposed development—the Council is satisfied that the land will be remediated before the land is used for that purpose.

56 Development of certain land at Queen Street, Ashfield

- (1) This clause applies to land in the vicinity of Queen Street, Ashfield and shown coloured light scarlet and edged heavy black on Sheet 3 of the series of maps marked “Ashfield Local Environmental Plan 1985 (Amendment No 114)” deposited in the office of the Council.
- (2) Despite clause 11, the Council may consent to the erection of a dwelling-house (including an attached dwelling-house) on an allotment of land that has an area of less than 500 m² and a width of less than 15 metres at the front alignment of the proposed dwelling-house if:
 - (a) the minimum area of the allotment on which the dwelling-house is to be erected is between 174 and 450 square metres (exclusive of the area of any access corridor), and
 - (b) the total number of allotments created from the land mentioned in subclause (1) is not more than 11.

- (3) The Council may not grant consent under subclause (2) unless:
 - (a) the Council has considered whether the land is contaminated, and
 - (b) if the land is contaminated—the Council is satisfied the land is suitable in its contaminated state, or will be suitable after remediation, for the purpose of the proposed development, and
 - (c) if the land requires remediation to be made suitable for the purpose of the proposed development—the Council is satisfied that the land will be remediated before the land is used for that purpose.

57 Development of certain land known as 55–75 Smith Street, Summer Hill

The Council must not grant consent to development on land known as 55–75 Smith Street, Summer Hill, and shown by distinctive colouring, lettering and edging on Sheet 6 of the series of maps marked “Ashfield Local Environmental Plan 1985 (Amendment No 114)” deposited in the office of the Council unless:

- (a) the Council has considered whether the land is contaminated, and
- (b) if the land is contaminated—the Council is satisfied the land is suitable in its contaminated state, or will be suitable after remediation, for the purpose of the proposed development, and
- (c) if the land requires remediation to be made suitable for the purpose of the proposed development—the Council is satisfied that the land will be remediated before the land is used for that purpose, and
- (d) the Council has considered whether the design of the proposed development, in relation to interior noise levels, gives adequate protection from aircraft noise in accordance with AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.