



New South Wales

Strathfield Local Environmental Plan No 106

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*. (9042191/PC)

TONY KELLY, MLC
Minister for Planning

2010 No 23

Clause 1 Strathfield Local Environmental Plan No 106

Strathfield Local Environmental Plan No 106

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Strathfield Local Environmental Plan No 106*.

2 Aims of plan

The aims of this plan are:

- (a) to make provision for development of land that has a frontage to a classified road, and
- (b) to make more comprehensive provision for the classification and reclassification, in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*, of public land to which the *Strathfield Planning Scheme Ordinance* applies, and
- (c) in respect of the public land referred to in clause 3 (2):
 - (i) to reclassify the public land from community land to operational land, and
 - (ii) to provide for the land to cease to be a public reserve, and
 - (iii) to provide for the discharge of certain trusts, estates, interests, dedications, conditions, restrictions and covenants that may affect the land or any part of the land, and
 - (iv) to rezone the land from Zone No 6 (a) (Open Space Recreation Existing) to Zone No 4 (Industrial) under the *Strathfield Planning Scheme Ordinance*.

3 Land to which plan applies

- (1) In respect of the aims set out in clause 2 (a) and (b), this plan applies to all land within the local government area of Strathfield.
- (2) In respect of the aim set out in clause 2 (c), this plan applies to land known as Matthews Park, being Lot 1, DP 588394, 51–55 Roberts Road (corner of Amarina Avenue), Greenacre, as shown coloured purple and edged heavy black on the map marked “Strathfield Local Environmental Plan No 106” deposited in the office of Strathfield Municipal Council.

4 Amendment of Strathfield Planning Scheme Ordinance

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

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Insert in alphabetical order in clause 4 (1):

Classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(see *Roads Act 1993* for meanings of these terms).

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*.

[2] Clause 4 (1), definition of “Scheme map”, paragraph (b)

Insert in appropriate order:

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[3] Clause 4 (3)

Insert after clause 4 (2):

- (3) Notes included in this Ordinance are provided for guidance and do not form part of this Ordinance.

[4] Clause 70

Omit the clause. Insert instead:

70 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council 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 a local environmental plan to discharge trusts on which public reserves are held if the land is reclassified under the plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 11 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 11 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 11:
 - (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 11, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and 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 11, 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*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 11.

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Schedule 1 Amendments

- (6) In this clause:
- 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*.
- public reserve** has the same meaning as in the *Local Government Act 1993*.

[5] Clause 73

Insert after clause 72:

73 Classified roads

- (1) The objectives of this clause are:
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads (within the meaning of the *Roads Act 1993*), and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.
- (2) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:
 - (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and

designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.

- (3) In respect of any application for consent to such development by which vehicular access to the land is provided by the classified road, the consent authority is to consult with the Roads and Traffic Authority and take into consideration any representations by the Authority in determining whether to grant consent.

[6] Schedule 11

Omit the Schedule. Insert instead:

Schedule 11 Classification and reclassification of public land

(Clause 70)

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

Column 1	Column 2
Locality	Description

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Greenacre 51–55 Roberts Road	Lot 1, DP 588394, as shown coloured purple and edged heavy black on the map marked “Strathfield Local Environmental Plan No 106” deposited in the office of the Council	Nil.

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Schedule 1 Amendments

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

Note. Descriptions of land included in this Schedule prior to its omission and re-insertion by *Strathfield Local Environmental Plan No 106* are not affected by the omission and re-insertion.