



New South Wales

Ku-ring-gai Local Environmental Plan No 216

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(10/05183)

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

2012 No 139

Clause 1 Ku-ring-gai Local Environmental Plan No 216

Ku-ring-gai Local Environmental Plan No 216

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Ku-ring-gai Local Environmental Plan No 216*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

- (1) To the extent that this Plan zones land, it applies to certain unzoned and unformed parts of Warner Avenue and Hall Street, South Turramurra, as shown coloured light scarlet, with dark red edging and lettered “2 (c)” on the map marked “Ku-ring-gai Local Environmental Plan No 216” deposited in the office of Ku-ring-gai Council.
- (2) To the extent that this Plan reclassifies public land, it applies to the following land at South Turramurra:
 - (a) Lot 74, DP 216500, Lot 1, DP 847214 and Lot 1, DP 746618, Barwon Avenue,
 - (b) Lot 3, DP 746618 and Lots 1 and 2, DP 840228, Chisholm Street.

Schedule 1 Amendment of Ku-ring-gai Planning Scheme Ordinance

[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 61K

Omit the clause. Insert instead:

61K 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 this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

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Schedule 1 Amendment of Ku-ring-gai Planning Scheme Ordinance

- (2) The public land described in Part 1 or Part 2 of Schedule 10 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 10 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 10:
 - (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 10, 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 10, 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 10.

[4] Schedule 10

Omit the Schedule. Insert instead:

Schedule 10 Classification and reclassification of public land

(Clause 61K)

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

Column 1	Column 2
Locality	Description
Barwon Avenue, South Turrumurra	Lot 74, DP 216500
Barwon Avenue, South Turrumurra	Lot 1, DP 847214
Barwon Avenue, South Turrumurra	Lot 1, DP 746618
Chisholm Street, South Turrumurra	Lot 3, DP 746618

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Chisholm Street, South Turrumurra	Lot 1, DP 840228	Nil
Chisholm Street, South Turrumurra	Lot 2, DP 840228	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	Nil