



New South Wales

Kempsey Local Environmental Plan 1987 (Amendment No 99)

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*. (GRA6323577/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2008 No 501

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 99)

Kempsey Local Environmental Plan 1987 (Amendment No 99)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 99)*.

2 Aims of plan

- (1) This plan aims:
 - (a) to reclassify various parcels of public land, owned by Kempsey Shire Council, from community land to operational land (within the meaning of the *Local Government Act 1993*) to allow for their disposal, and
 - (b) to remove the public reserve status applying to the land.
- (2) This plan also more generally provides for the classification and reclassification of public land as operational land or community land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

- (1) With respect to the aims referred to in clause 2 (1), this plan applies to land in the local government area of Kempsey, being:
 - (a) Lot 12, DP 1069003, Cyrus Saul Circuit, Frederickton, and
 - (b) Lot 49, DP 832352, Macleay Street, Frederickton, and
 - (c) Lot 39, DP 819591, Albert Harrower Crescent, South West Rocks, and
 - (d) Lot 81, DP 805382, Arthur Street, South West Rocks, and
 - (e) Lot 122, DP 1051855, Dennis Crescent, South West Rocks, and
 - (f) Lot 26, DP 844106, Rafferty Crescent, South West Rocks, and
 - (g) Lot 132, DP 829565, Victor Perry Place, South West Rocks,as shown edged heavy black on Sheets 1–6 of the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 99)” deposited in the office of Kempsey Shire Council.

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- (2) With respect to the aim referred to in clause 2 (2), this plan applies to all the land to which *Kempsey Local Environmental Plan 1987* applies.

4 Amendment of Kempsey Local Environmental Plan 1987

Kempsey Local Environmental Plan 1987 is amended as set out in Schedule 1.

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Kempsey Local Environmental Plan 1987 (Amendment No 99)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 52

Omit the clause. Insert instead:

52 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.

- (2) The public land described in Part 1 or Part 2 of Schedule 3 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 3 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 3:
 - (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 3, 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 3, 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 3.

[2] Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Classification and reclassification of public land

(Clause 52)

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
Frederickton, Cyrus Saul Circuit	Lot 12, DP 1069003	Nil.
Frederickton, Macleay Street	Lot 49, DP 832352	Nil.
South West Rocks, Albert Harrower Crescent	Lot 39, DP 819591	Restriction(s) on the use of land (DP261375) as noted on Certificate of Title Folio Identifier 39/819591.

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
South West Rocks, Arthur Street	Lot 81, DP 805382	Restriction(s) on the use of land (DP261984) as noted on Certificate of Title Folio Identifier 81/805382.
South West Rocks, Dennis Crescent	Lot 122, DP 1051855	Nil.
South West Rocks, Rafferty Crescent	Lot 26, DP 844106	Restriction(s) on the use of land (DP829661) as noted on Certificate of Title Folio Identifier 26/844106.
South West Rocks, Victor Perry Place	Lot 132, DP 829565	Restriction(s) on the use of land (DP748740) as noted on Certificate of Title Folio Identifier 132/829565.

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

BY AUTHORITY