



New South Wales

## **Kogarah Local Environmental Plan 1998 (Amendment No 30)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/00405/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

\_\_\_\_\_

## **Kogarah Local Environmental Plan 1998 (Amendment No 30)**

### **1 Name of plan**

This plan is *Kogarah Local Environmental Plan 1998 (Amendment No 30)*.

### **2 Aims of plan**

- (1) This plan aims:
  - (a) to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*, and
  - (b) to rezone the land to Special Uses 5 (a)—Special Uses (Residential Care Facility) under *Kogarah Local Environmental Plan 1998 (the 1998 plan)*.
- (2) This plan incidentally makes more extensive provisions in the 1998 plan for the classification or reclassification of public land as operational land as a consequence of major changes made to the statutory scheme in section 30 (Reclassification of community land as operational) of the 1993 Act.

### **3 Land to which plan applies**

This plan applies to land known as the former Penshurst Bowling Club, 1 Centre Street, Penshurst, being Lots 8 and 21, DP 11492, as shown edged heavy red, coloured yellow with the red lettering “Residential Care Facility” on the map marked “Kogarah Local Environmental Plan 1998 (Amendment No 30)” deposited in the office of Kogarah Municipal Council.

### **4 Amendment of Kogarah Local Environmental Plan 1998**

*Kogarah Local Environmental Plan 1998* is amended as set out in Schedule 1.

---

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 13

Omit the clause. Insert instead:

#### 13 Public land

##### Objective of the provision

To classify, or reclassify, public land, being Council-owned land or land under the care and control of the Council, as operational land.

##### Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 2 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to the land described in Part 1 of Schedule 2.
- (3) Land described in Part 2 of Schedule 2:
  - (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 operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 2, 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 those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 2.

**2003 No 638**

Kogarah Local Environmental Plan 1998 (Amendment No 30)

Schedule 1 Amendments

---

- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 2, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 2, the Governor approved of subclause (4) applying to the land.

**[2] Clause 25 Dictionary**

Insert in appropriate order in the definition of *land use map* in clause 25 (1):

Kogarah Local Environmental Plan 1998 (Amendment No 30)

**[3] Schedule 2 Classification and reclassification of public land as operational land**

Insert after the new heading to the Schedule:

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

**[4] Schedule 2, Parts 2 and 3**

Insert at the end of the Schedule the following Parts:

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

Column 1

Column 2

Locality

Description

---

**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
<b>Penshurst</b>		
1 Centre Street	Lots 8 and 21, DP 11492 (former Penshurst Bowling Club)	Nil.