



New South Wales

Albury and Hume Designated Area Local Environmental Plan No 41

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(S01/00376/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Albury and Hume Designated Area Local Environmental Plan No 41

1 Name of plan

This plan is *Albury and Hume Designated Area Local Environmental Plan No 41*.

2 Aims of plan

- (1) This plan aims to reclassify the land to which this plan applies, being land at the Albury Sewage Treatment Works owned by Albury City Council, from community land to operational land within the meaning of the *Local Government Act 1993*.
- (2) This plan incidentally makes more extensive provisions in *Albury and Hume Designated Area Local Environmental Plan No 1* for the classification or reclassification of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land as operational) of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to Lot 10, DP 584221, being land within the *Waterview* property, Riverina Highway, West Albury, as shown edged heavy black on the map marked “Albury and Hume Designated Area Local Environmental Plan No 41” deposited in the offices of Hume Shire Council.

4 Amendment of Albury and Hume Designated Area Local Environmental Plan No 1

Albury and Hume Designated Area Local Environmental Plan No 1 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 36

Insert after clause 35:

36 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 9 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 9:
 - (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.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 9, 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 2 of Schedule 9.
- (4) In this clause, ***the relevant amending plan***, in relation to land described in Part 2 of Schedule 9, means the local environmental plan cited at the end of the description of the land.
- (5) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 9, the Governor approved of subclause (3) applying to the land.

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Schedule 1 Amendments

[2] Schedule 9

Insert after Schedule 8:

Schedule 9 Classification and reclassification of public land as operational land

(Clause 36)

Part 1 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

Column 1	Column 2
Locality	Description
West Albury	
Riverina Highway	Lot 10, DP 584221, being land within the <i>Waterview</i> property, as shown edged heavy black on the map marked “Albury and Hume Designated Area Local Environmental Plan No 41” deposited in the office of the Council

Part 2 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

BY AUTHORITY