



New South Wales

## Canterbury Local Environmental Plan No 195

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*.  
(S01/00122/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

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## **Canterbury Local Environmental Plan No 195**

### **1 Name of plan**

This plan is *Canterbury Local Environmental Plan No 195*.

### **2 Aims of plan**

(1) This plan aims:

- (a) to reclassify part of the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (b) to zone part of the land reserved for county open space to Open Space (Private Recreation) under *Canterbury Planning Scheme Ordinance*, and
- (c) to rezone part of the land from Open Space (Existing Recreation) to Open Space (Private Recreation) under the Ordinance.

(2) This plan incidentally makes more extensive provisions in *Canterbury Planning Scheme Ordinance* 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**

- (1) To that extent that this plan reclassifies land, it applies to part of 63 Moxon Road, Punchbowl, being part of Lot 1, DP 521106, as shown coloured dark green and edged black on the map marked “Canterbury Local Environmental Plan No 195” deposited in the office of Canterbury City Council.
- (2) To the extent that this plan zones and rezones land, it applies to 61 and part of 63 Moxon Road, Punchbowl, being Lot 1, DP 223338 and part of Lot 1, DP 521106, respectively, as shown coloured dark green and edged yellow on that map.

### **4 Amendment of Canterbury Planning Scheme Ordinance**

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

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 4 Interpretation

Insert in appropriate order in the definition of “Scheme map” in clause 4 (1):

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### [2] Clause 76

Omit the clause. Insert instead:

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

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

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Schedule 1      Amendments

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- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 10, means the local environmental plan cited at the end of the description of the land.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 10, the Governor approved of subclause (4) applying to the land.

### [3] **Schedule 10 Classification and reclassification of public land as operational land**

Insert after the heading to the Schedule:

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

### [4] **Schedule 10, Parts 2 and 3**

Insert at the end of the Schedule:

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

#### **Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed**

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Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
<b>Punchbowl</b>		
Part of 63 Moxon Road	Part of Lot 1, DP 521106, as shown coloured dark green and edged heavy black on the map marked “Canterbury Local Environmental Plan No 195”— <i>Canterbury Local Environmental Plan No 195</i>	The notifications in force in respect of Lot 1, DP 521106, as specified in the Second Schedule to the folio of the Register, being Folio Identifier 1/521106.