



New South Wales

Newcastle Local Environmental Plan 1987 (Amendment No 126)

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*. (N02/00093/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 697

Clause 1

Newcastle Local Environmental Plan 1987 (Amendment No 126)

Newcastle Local Environmental Plan 1987 (Amendment No 126)

1 Name of plan

This plan is *Newcastle Local Environmental Plan 1987 (Amendment No 126)*.

2 Aims of plan

- (1) This plan aims to reclassify the public land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*.
- (2) This plan incidentally makes more extensive provisions in *Newcastle Local Environmental Plan 1987* 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 situated in the City of Newcastle, being Lot J, DP 13401 and Lots 95–98, DP 9755, and known as No 40 Victory Parade, Wallsend, as shown edged heavy black on the map marked “Newcastle Local Environmental Plan 1987 (Amendment No 126)” deposited in the office of the Council of the City of Newcastle.

4 Amendment of Newcastle Local Environmental Plan 1987

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 26B Classification and reclassification of public land as operational land

Omit clause 26B (3). Insert instead:

- (3) The public land described in Schedule 6 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (4) 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 6.
- (5) Land described in Part 2 of Schedule 6:
 - (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.
- (6) Land described in Columns 1 and 2 of Part 3 of Schedule 6, 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 6.
- (7) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 6, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.

2002 No 697

Newcastle Local Environmental Plan 1987 (Amendment No 126)

(8) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 6, the Governor approved of subclause (6) applying to the land.

[2] Schedule 6 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

[3] Schedule 6, 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
Wallsend	
40 Victory Parade	Lot J, DP 13401 and Lots 95–98, DP 9755

2002 No 697

Newcastle Local Environmental Plan 1987 (Amendment No 126)

Amendments

Schedule 1

**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

BY AUTHORITY