



New South Wales

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)

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*. (W00/00053/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 481

Clause 1

City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)

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1 Name of plan

This plan is *City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)*.

2 Aims of plan

- (1) This plan aims 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*.
- (2) This plan also aims to rezone part of the land to which this plan applies so as to correct a zoning anomaly for certain land at Berrara, Conjola and Sussex Inlet.
- (3) This plan incidentally makes more extensive provisions in *City of Shoalhaven Local Environmental Plan 1985* 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 certain land situated in Bamarang, Bangalee, Berrara, Burrier, Cambewarra, Conjola, Coolangatta, Longreach, Mundamia, North Nowra, St Georges Basin, Shoalhaven Heads, Sussex Inlet, Vincentia and Yatte Yattah, as shown edged heavy black on Sheets 1 and 2 of the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)" deposited in the office of Shoalhaven City Council.

4 Amendment of City of Shoalhaven Local Environmental Plan 1985

City of Shoalhaven Local Environmental Plan 1985 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

Insert in appropriate order in the definition of *the map* in clause 6 (1):

City of Shoalhaven Local Environmental Plan 1985
(Amendment No 196)—Sheet 2

[2] Clause 55

Omit the clause. Insert instead:

55 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 11 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 11.
- (3) Land described in Part 2 of Schedule 11:
 - (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 11, 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 11.

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- (5) In this clause, ***the relevant amending plan***, in relation to land described in Part 3 of Schedule 11, 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 a description of land into Part 3 of Schedule 11, the Governor approved of subclause (4) applying to the land.

[3] Schedule 11 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 11, 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—no interests changed

Column 1	Column 2
Locality	Description
Bamarang	
Yalwal Road	Lot 1, DP 787799

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Amendments

Schedule 1

Column 1	Column 2
Locality	Description
Bangalee	
Illaroo Road	2,017 square metre parcel of land reserved for Nowra water supply UPN69271, as shown edged heavy black on Sheet 1 of the map marked "City of Shoalhaven Local Environmental Plan 1985 (Amendment No 196)"
Berrara	
Lakeland Avenue	Lots 1 and 2, DP 777354
Burrier	
Burrier Road	Lot 1, DP 771231
Cambewarra	
Tannery Road	Lot 1, DP 919211
Coolangatta	
Northview Close	Lot 20, DP 844288
Longreach and Mundamia	
Flatrock Road	Lot 1, DP 870268
North Nowra	
Coconut Drive	Lot 160, DP 844155
St Georges Basin	
Deane Street	Lot 51, DP 835254
Shoalhaven Heads	
Scott Street	Lot 30, DP 848048

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Schedule 1 Amendments

Column 1	Column 2
Locality	Description
Sussex Inlet	
Medlyn Avenue	Lot 169, DP 726741
The Springs Road	Lot 171, DP 726741
The Springs Road	Lot 1, DP 865961
Vincentia	
Moona Creek Road	Lot 3, DP 816315
Yatte Yattah	
Pointer Road	Lot 16, DP 847482

**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