



New South Wales

Richmond River Local Environmental Plan 1992 (Amendment No 17)

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*.
(G99/00073/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Sydney, 15 February 2001.

2001 No 145

Clause 1 Richmond River Local Environmental Plan 1992 (Amendment No 17)

Richmond River Local Environmental Plan 1992 (Amendment No 17)

1 What is this plan called?

This plan is *Richmond River Local Environmental Plan 1992 (Amendment No 17)*.

2 What are the aims of this plan?

- (1) This plan aims:
 - (a) to reclassify the land to which this plan applies from community to operational land within the meaning of the *Local Government Act 1993*, to enable the transfer of the land (known as the New Italy Monument) from the Richmond River Shire Council to the New Italy Museum Inc, and
 - (b) to restrict development of the land.
- (2) This plan incidentally makes further provision 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 to operational) of the *Local Government Act 1993*.

3 Where does this plan apply?

This plan applies to Lot 1, DP 207390, corner of Swan Bay-New Italy Road and the Pacific Highway, New Italy, Parish of Donaldson, County of Richmond, as shown edged heavy black on the map marked “Richmond River Local Environmental Plan 1992 (Amendment No 17)” deposited in the office of the Richmond River Shire Council.

4 How does this plan affect other environmental planning instruments?

Richmond River Local Environmental Plan 1992 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 27AA

Before clause 27A, insert:

27AA Development of New Italy Monument, New Italy

- (1) This clause applies to Lot 1, DP 207390, corner of Swan Bay-New Italy Road and the Pacific Highway, New Italy, Parish of Donaldson, County of Richmond, as shown edged heavy black on the map marked “Richmond River Local Environmental Plan 1992 (Amendment No 17)”.
- (2) The Council must not consent:
 - (a) to the subdivision of the land to which this clause applies for the purpose of the separate occupation of each lot created by the subdivision, or
 - (b) to the erection on the land of any building to be used for residential purposes.
- (3) The provisions of this clause cease to apply if the land is consolidated into the immediately adjoining parcel of land.

[2] Clause 34A

Omit the clause. Insert instead:

34A Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 4 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 4 is land that was classified, or reclassified, as operational land before the application of the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.

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Schedule 1 Amendments

- (3) Land described in Part 2 of Schedule 4:
 - (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 the case requires, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 4, 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 specified opposite the land in Column 3 of Part 3 of Schedule 4.
- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 4, 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 4, the Governor approved of subclause (4) applying to the land.

[3] Schedule 4 Classification and reclassification of public land as operational land

Insert before the matter relating to Lagoon Road, Coraki, the following heading:

Part 1 Land classified, or reclassified, before the application of amendments made to s 30 of LGA 1993

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Amendments

Schedule 1

[4] Schedule 4

Insert at the end of Schedule 4 the following Parts:

Part 2 Interests not changed**Part 3 Interests changed**

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
New Italy		
Corner of Swan Bay-New Italy Road and Pacific Highway	Lot 1, DP 207390, Parish of Donaldson, County of Richmond, as shown edged heavy black on the map marked "Richmond River Local Environmental Plan 1992 (Amendment No 17)"— <i>Richmond River Local Environmental Plan 1992 (Amendment No 17)</i> .	Nil.

BY AUTHORITY