



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 6)

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*. (N02/00024/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 559

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 6)

Port Stephens Local Environmental Plan 2000 (Amendment No 6)

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 6)*.

2 Aims of plan

- (1) This plan aims:
 - (a) to rezone the land to which this plan applies from the Special Recreation “C” Zone to the Residential “A” Zone under *Port Stephens Local Environmental Plan 2000 (the 2000 plan)* to enable the development of the disused swimming pool for residential purposes, and
 - (b) to reclassify the subject land from community land to operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)* to enable Port Stephens Council to dispose of the land as it is surplus to the Council’s needs.
- (2) This plan incidentally makes more extensive provisions in the 2000 plan 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:
 - (a) by replacing clause 43 of and Schedule 1 to the 2000 plan, and
 - (b) by omitting in the new clause matter in the existing clause relating to the classification or reclassification of public land as community land.

3 Land to which plan applies

This plan applies to land within the area of Port Stephens, being Lot 2, DP 1014247, 4 Jacaranda Avenue, Raymond Terrace, as shown edged heavy black and lettered “2 (a)” on the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 6)” deposited in the office of Port Stephens Council.

4 Amendment of Port Stephens Local Environmental Plan 2000

Port Stephens Local Environmental Plan 2000 is amended as set out in Schedule 1.

2002 No 559

Port Stephens Local Environmental Plan 2000 (Amendment No 6)

Schedule 1 Amendments

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(Clause 4)

[1] Clauses 43

Omit the clause. Insert instead:

43 Classification and reclassification of public land as operational land

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

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Classification and reclassification of public land as operational land

(Clause 43)

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Raymond Terrace		
4 Jacaranda Avenue	Lot 2, DP 1014247	Nil.

[3] Dictionary

Insert in appropriate order in the definition of *the map*:

Port Stephens Local Environmental Plan 2000 (Amendment No 6)