



Grafton Local Environmental Plan 1988 (Amendment No 35)

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*. (G02/00033/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

2003 No 216

Clause 1 Grafton Local Environmental Plan 1988 (Amendment No 35)

Grafton Local Environmental Plan 1988 (Amendment No 35)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Grafton Local Environmental Plan 1988 (Amendment No 35)*.

2 Aims of plan

- (1) This plan aims to confirm the status of the public land to which this plan applies (being a public car park) as operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*.
- (2) This plan incidentally makes more extensive provisions in *Grafton Local Environmental Plan 1988 (the 1988 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.
- (3) This plan also provides self-contained provisions in the 1988 plan for the classification or reclassification of public land as community land.

3 Land to which plan applies

This plan applies to land known as the Duke Street Central Car Park, Duke Street, Grafton, being Lot 11, DP 1027121, Lot 12, DP 391707, Lots 7B, 8 and 9B, DP 17579, Part Lot 8 in Conveyance No 170 Book 2677, Part Lot 8 in Conveyance No 958 Book 3069, Part Lot 9 in Conveyance No 146 Book 2716, Part Lot 9 in Conveyance No 306 Book 2838 and Part Lot 9 in Conveyance No 925 Book 2939, as shown edged heavy black on the map marked "Grafton Local Environmental Plan 1988 (Amendment No 35)" deposited in the office of Grafton City Council.

4 Amendment of Grafton Local Environmental Plan 1988

Grafton Local Environmental Plan 1988 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 38

Omit the clause. Insert instead:

38 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 5 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 land described in Part 1 of Schedule 5.
- (3) Land described in Part 2 of Schedule 5:
 - (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 5, 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 5.
- (5) In this clause, ***the relevant amending plan***, in relation to land described in Part 3 of Schedule 5, 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 the description of land into Part 3 of Schedule 5, the Governor approved of subclause (4) applying to the land.

[2] Clause 38A

Insert before clause 39:

38A Classification and reclassification of public land as community land

The public land described in Schedule 6 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.

[3] Schedule 5

Omit “**Classification or re-classification of public land as community land or operational land**” from the heading to the Schedule.

Insert instead “**Classification and reclassification of public land as operational land**”.

[4] Schedule 5, Column 1 heading

Omit “**Column 1 Property description**”.

[5] Schedule 5, Column 2

Omit all matter relating to the Column.

[6] Schedule 5, Part 1

Insert before the list of properties in the Schedule:

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

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Schedule 1 Amendments

[7] Schedule 5, 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

Locality	Description
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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

Grafton

Duke Street	Duke Street Central Car Park, being Lot 11, DP 1027121, Lot 12, DP 391707, Lots 7B, 8 and 9B, DP 17579, Part Lot 8 in Conveyance No 170 Book 2677, Part Lot 8 in Conveyance No 958 Book 3069, Part Lot 9 in Conveyance No 146 Book 2716, Part Lot 9 in Conveyance No 306 Book 2838 and Part Lot 9 in Conveyance No 925 Book 2939, as shown edged heavy black on the map marked "Grafton Local Environmental Plan 1988 (Amendment No 35)" deposited in the office of the Council.	Rights of way reserved in Conveyances No 681 Book 316, No 679 Book 316, No 183 Book 420, No 540 Book 1003, No 496 Book 1012, No 495 Book 1012 and No 576 Book 953.
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[8] Schedule 6

Insert after Schedule 5:

**Schedule 6 Classification and reclassification of
public land as community land**

(Clause 38A)

Locality

Description
