



## **Manly Local Environmental Plan 1988 (Amendment No 62)**

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*. (S02/02660/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2004 No 20

Clause 1 Manly Local Environmental Plan 1988 (Amendment No 62)

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# Manly Local Environmental Plan 1988 (Amendment No 62)

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Manly Local Environmental Plan 1988 (Amendment No 62)*.

## 2 Aims of plan

- (1) This plan aims:
  - (a) to rezone the land to which this plan applies from Zone No 6 (the Open Space Zone) to Zone No 4 (the Industrial Zone) under *Manly Local Environmental Plan 1988 (the 1988 plan)*, and
  - (b) to reclassify the land from community land to operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*,  
to enable the land to be used for the purposes of the Manly Council Depot.
- (2) This plan also aims to incidentally make more extensive provisions in the 1988 plan 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 1993 Act.

## 3 Land to which plan applies

This plan applies to so much of Lot 2, DP 309490, Quirk Road, Balgowlah, as is shown edged heavy black and coloured purple on the map marked “Manly Local Environmental Plan 1988 (Amendment No 62)” deposited in the office of Manly Council.

## 4 Amendment of Manly Local Environmental Plan 1988

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

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**Schedule 1 Amendments**

(Clause 4)

**[1] Clause 7 Interpretation**

Insert in appropriate order in the definition of *the map* in clause 7 (1):

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**[2] Clause 34**

Omit the clause. Insert instead:

**34 Classification and reclassification of public land as operational land**

- (1) 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.
- (2) Land described in Part 1 of Schedule 6 is not affected by the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.
- (3) Land described in Columns 1 and 2 of Part 2 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:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 6, and
  - (b) any reservations that except land out of a Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (4) In this clause, *the relevant amending plan*, in relation to land described in Part 2 of Schedule 6, means the local environmental plan that inserted the land description in that Part.

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Schedule 1 Amendments

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- (5) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 6, the Governor approved of subclause (3) applying to the land.

**[3] Schedule 6 Classification and reclassification of public land as operational land**

Insert before the matter relating to Suwarrow Street, Fairlight:

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

**[4] Schedule 6, Part 2**

Insert after Part 1 of the Schedule:

**Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
<b>Balgowlah</b>		
Quirk Road	So much of Lot 2, DP 309490 as is shown edged heavy black and coloured purple on the map marked "Manly Local Environmental Plan 1988 (Amendment No 62)".	—

BY AUTHORITY