



# **Wagga Wagga Local Environmental Plan—Reclassification of Public Land (Amendment No 3)**

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*. (Q03/00219/PC)

DIANE BEAMER, M.P.,

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

## **Wagga Wagga Local Environmental Plan— Reclassification of Public Land (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Wagga Wagga Local Environmental Plan—Reclassification of Public Land (Amendment No 3)*.

### **2 Aims of plan**

- (1) This plan aims:
  - (a) to reclassify the land to which this plan applies, being land owned by Wagga Wagga City Council, from community land to operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*, and
  - (b) to enable the Council to sell, lease or license for a period greater than 21 years, or otherwise deal with, the land.
- (2) This plan also aims to incidentally make more extensive provisions in *Wagga Wagga Local Environmental Plan—Reclassification of Public Land* 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 land situated in the City of Wagga Wagga, being:

- (a) Lot 1, DP 823346, Byrnes Road, Bomen, and
- (b) Lots 17 and 19, DP 255148, Tasman Road, East Wagga Wagga, and

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(c) Lot 6, DP 262198, and known as 351 Edward Street, Wagga Wagga,

as shown edged heavy black on the map marked “Wagga Wagga Local Environmental Plan—Reclassification of Public Land (Amendment No 3)” deposited in the office of the Council of the City of Wagga Wagga.

**4 Amendment of Wagga Wagga Local Environmental Plan—  
Reclassification of Public Land**

*Wagga Wagga Local Environmental Plan—Reclassification of Public Land* is amended as set out in Schedule 1.

## 2004 No 564

Wagga Wagga Local Environmental Plan—Reclassification of Public Land  
(Amendment No 3)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

#### [1] Clause 3 Land to which plan applies

Insert in appropriate order:

Wagga Wagga Local Environmental Plan—Reclassification  
of Public Land (Amendment No 3)

#### [2] Clause 4

Omit the clause. Insert instead:

##### 4 Reclassification of public land as operational land

- (1) The public land described in the Schedule is reclassified as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 2 of the Schedule:
  - (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 reclassification as operational land.
- (3) Land described in Columns 1 and 2 of Part 3 of the Schedule, 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 3 of the Schedule, 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 3 of the Schedule, means the local environmental plan that inserted the description of the land into that Part.
- (5) Before the relevant amending plan inserted the description of land into Part 3 of the Schedule, the Governor approved of subclause (3) applying to the land.
- (6) Land described in Part 1 of the Schedule is not affected by the amendments to section 30 of the *Local Government Act 1993* made by the *Local Government Amendment (Community Land Management) Act 1998*.

**[3] Schedule**

Insert “(Clause 4)” after the heading.

**[4] Schedule, Part 1**

Insert before the heading “**Bomen**”:

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

**[5] Schedule, Parts 2 and 3**

Insert at the end of the Schedule:

**Part 2 Land reclassified under amended section 30 of Local Government Act 1993—interests not changed**

Locality	Description
<b>Bomen</b>	
Byrnes Road	Lot 1, DP 823346

**2004 No 564**Wagga Wagga Local Environmental Plan—Reclassification of Public Land  
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Schedule 1 Amendments

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**Part 3 Land reclassified under amended  
section 30 of Local Government  
Act 1993—interests changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Trusts etc not discharged</b>
<b>East Wagga Wagga</b>		
Tasman Road	Lot 17, DP 255148	Any subsisting interests, including an easement for transmission line, that are noted on Certificate of Title Folio Identifier 17/255148
Tasman Road	Lot 19, DP 255148	Any subsisting interests, including an easement for transmission line, that are noted on Certificate of Title Folio Identifier 19/255148
<b>Wagga Wagga</b>		
351 Edward Street	Lot 6, DP 262198	Easement to drain sewage, and covenant (N742991), as noted on Certificate of Title Folio Identifier 6/262198

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BY AUTHORITY