



New South Wales

## **Muswellbrook Local Environmental Plan 1985 (Amendment No 96)**

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*. (N03/00253/S69)

DIANE BEAMER, M.P.,

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

## 2004 No 66

Clause 1 Muswellbrook Local Environmental Plan 1985 (Amendment No 96)

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# Muswellbrook Local Environmental Plan 1985 (Amendment No 96)

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Muswellbrook Local Environmental Plan 1985 (Amendment No 96)*.

## 2 Aims of plan

This plan aims:

- (a) to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*:
  - (i) to allow for the release and sale of Council-owned land, and
  - (ii) to allow for the erection of a water tower to service the Muswellbrook community.
- (b) to make 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 as operational) of the 1993 Act.

## 3 Land to which plan applies

- (1) To the extent that this plan reclassifies land to allow for the release and sale of Council-owned land, it applies to Lot 16, DP 28425, Shaw Crescent, Muswellbrook, as shown edged heavy black on Sheet 1 of the map marked "Muswellbrook Local Environmental Plan 1985 (Amendment No 96)" deposited in the office of Muswellbrook Shire Council.
- (2) To the extent that this plan reclassifies land to allow for the erection of a water tower, it applies to so much of Lot 4095, DP 794059, Acacia Drive, Muswellbrook, as is shown edged heavy black on Sheet 2 of that map.

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**4 Amendment of Muswellbrook Local Environmental Plan 1985**

*Muswellbrook Local Environmental Plan 1985* is amended as set out in Schedule 1.

## 2004 No 66

Muswellbrook Local Environmental Plan 1985 (Amendment No 96)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

#### [1] Clause 52A

Omit the clause. Insert instead:

#### **52A 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 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 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:
  - (a) those (if any) specified for the land in Column 3 of Part 3 of Schedule 4, 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*).

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- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 4, means the local environmental plan that inserted the land description in that Part.
  - (6) Before the relevant amending plan inserted a description of land into Part 3 of Schedule 4, the Governor approved of subclause (4) applying to the land.

**[2] Schedule 4**

Omit the heading to the Schedule. Insert instead:

**Schedule 4 Classification and reclassification of public land as operational land**

(Clause 52A)

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

**[3] Schedule 4, 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**

<b>Locality</b>	<b>Description</b>
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## 2004 No 66

Muswellbrook Local Environmental Plan 1985 (Amendment No 96)

Schedule 1 Amendments

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### **Part 3 Land classified, or 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>Any trusts etc not discharged</b>
<b>Muswellbrook</b>		
Acacia Drive	So much of Lot 4095, DP 794059, as is shown edged heavy black on Sheet 2 of the map marked "Muswellbrook Local Environmental Plan 1985 (Amendment No 96)".	Nil.
Shaw Crescent	Lot 16, DP 28425, as shown edged heavy black on Sheet 1 of the map marked "Muswellbrook Local Environmental Plan 1985 (Amendment No 96)".	Nil.

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BY AUTHORITY