



New South Wales

# **Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 5)**

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*. (S01/00761/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2004 No 900

Clause 1 Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 5)

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# Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 5)*.

## 2 Aims of plan

- (1) This plan aims:
  - (a) to reclassify the public land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*, and
  - (b) to ensure the public is aware that the reclassification may include the following effects:
    - (i) if the land is a public reserve, it may cease to be a public reserve,
    - (ii) if the land (or part of the land) is affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants, those trusts, estates, interests, dedications, conditions, restrictions or covenants may be discharged except for those that are specifically retained.
- (2) This plan also aims to incidentally make more extensive provisions in *Dubbo Local Environmental Plan 1998—Urban Areas* 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 the following land in the local government area of the City of Dubbo:

- (a) driveways fronting Wheelers Lane (near Birch Avenue) and Cobra Street (Mitchell Highway), Dubbo, as shown hatched on Drawing No 6817–L01 prepared by Barnson Engineers on 13 January 2004 and marked “*Reclassification of Access Driveways Dubbo LEP 1998 Amendment No 5*” deposited in the office of the Council of the City of Dubbo, and
- (b) Lot 24, DP 715331, Fitzroy Street, Dubbo, as shown edged heavy red and coloured light green or light purple on Sheet 2 of the map marked “Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 5)” deposited in the office the Council, and
- (c) Lot 10, DP 258615, Fitzroy Street (near Johnson Street), Dubbo, as shown edged heavy red and coloured light purple on Sheet 2 of that map.

**4 Amendment of Dubbo Local Environmental Plan 1998—Urban Areas**

*Dubbo Local Environmental Plan 1998—Urban Areas* is amended as set out in Schedule 1.

## 2004 No 900

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 5)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

[1] **Clause 17A**

Omit the clause. Insert instead:

**17A Classification and reclassification of public land as operational land**

- (1) The public land described in Schedule 8 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 8:
  - (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.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 8, 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 for:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 8, and
  - (b) any reservations that except land out of a Crown grant relating to the land, and
  - (c) reservation 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 8, means the local environmental plan that inserted the description of land in that Part.
- (5) Before the relevant amending plan inserted the description of land into Part 2 of Schedule 8, the Governor approved of subclause (3) applying to the land.

**[2] Schedule 8**

Omit the Schedule. Insert instead:

## **Schedule 8 Classification and reclassification of public land as operational land**

(Clause 17A)

### **Part 1 Interests not changed**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
<b>Dubbo</b>	
Wheelers Lane (near Birch Avenue) and Cobra Street (Mitchell Highway)	Land comprising driveways, as shown hatched on Drawing No 6817–L01 prepared by Barnson Engineers on 13 January 2004 and marked “ <i>Reclassification of Access Driveways Dubbo LEP 1998 Amendment No 5</i> ” deposited in the office of the Council.

### **Part 2 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>Dubbo</b>		
Fitzroy Street	Lot 24, DP 715331, as shown edged heavy red and coloured light green or light purple on Sheet 2 of the map marked “Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 5)”.	Nil.
Fitzroy Street (near Johnson Street)	Lot 10, DP 258615, as shown edged heavy red and coloured light purple on Sheet 2 of the map marked “Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 5)”.	Nil.