



New South Wales

Bathurst Local Environmental Plan 1997—Classification of Public Land (Amendment No 2)

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. (DUB0109316/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Bathurst Local Environmental Plan 1997— Classification of Public Land (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Bathurst Local Environmental Plan 1997—Classification of Public Land (Amendment No 2)*.

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*, and
- (b) to effect law revision of *Bathurst Local Environmental Plan 1997—Classification of Public Land* with respect to:
 - (i) a council name change, and
 - (ii) amendments to section 30 of the *Local Government Act 1993* by the *Local Government Amendment (Community Land Management) Act 1998*.

3 Land to which plan applies

This plan applies to land situated in the local government area of Bathurst Regional, being part Lot 300, DP 251989, Booth Street, Windradyne and part Lot 1, DP 134818, Bradwardine Road, Windradyne, as shown edged heavy black on the map marked “Bathurst Local Environmental Plan 1997—Classification of Public Land (Amendment No 2)” deposited in the office of Bathurst Regional Council.

4 Amendment of Bathurst Local Environmental Plan 1997—Classification of Public Land

Bathurst Local Environmental Plan 1997—Classification of Public Land is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 1 Name of plan

Insert “*and Reclassification*” after “*Classification*”.

[2] Clause 3 Where plan applies

Omit “City of Bathurst”.

Insert instead “local government area of Bathurst Regional”.

[3] Clause 4

Omit the clause. Insert instead:

4 Classification and reclassification of public land as operational

- (1) The public land described in Part 1, 2 or 3 of the Schedule is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (2) The public 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) The public land described in Part 2 of the Schedule:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (4) The public land described in 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 classification 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*).

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Schedule 1 Amendments

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

[4] Schedule Classification and reclassification of public land as operational

Insert after the heading to the Schedule:

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

Locality	Description
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[5] Schedule, Part 2

Insert after the matter relating to Nile Street:

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—no interests changed

Locality	Description
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Bathurst

[6] Schedule, Part 2

Transfer the matter relating to Baillie Street to Part 2 (as inserted by item [5]) in respective columns under the heading “***Bathurst***”.

[7] **Schedule, Part 3**

Insert at the end of the Schedule:

**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
<i>Windradyne</i>		
Booth Street	Part Lot 300, DP 251989, as shown edged heavy black on the map marked “Bathurst Local Environmental Plan 1997—Classification of Public Land (Amendment No 2)” deposited in the office of Bathurst Regional Council.	Nil.
Bradwardine Road	Part Lot 1, DP 134818, as shown edged heavy black on the map marked “Bathurst Local Environmental Plan 1997—Classification of Public Land (Amendment No 2)” deposited in the office of Bathurst Regional Council.	Nil.