



New South Wales

Ballina Local Environmental Plan 1987 (Amendment No 104)

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*. (G06/00051/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 514

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 104)

Ballina Local Environmental Plan 1987 (Amendment No 104)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 104)*.

2 Aims of plan

This plan aims to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

This plan applies to land situated in the local government area of Ballina, being Lot 72, DP 737313, Racecourse Road, Ballina and Lot 13, DP 1041589, Sapphire Court, Lennox Head, as shown edged heavy black on the map marked "Ballina Local Environmental Plan 1987 (Amendment No 104)" deposited in the office of Ballina Shire Council.

4 Amendment of Ballina Local Environmental Plan 1987

Ballina Local Environmental Plan 1987 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert at the end of clause 5 (2) (c):

, and

- (d) notes included in this plan do not form part of this plan.

[2] Clause 38

Insert after clause 37:

38 Classification and reclassification of public land

- (1) The objective of this clause is to enable the council, by means of this plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.
- Note.** Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this plan to discharge trusts on which public reserves are held if the land is reclassified under this plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 7 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 7 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 7:
- (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.
- (5) The public land described in Part 2 of Schedule 7, 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,

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Schedule 1 Amendments

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 7, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) In this clause, the *relevant classification plan*, in relation to land described in Part 2 of Schedule 7, means this plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.
- (7) Before the relevant classification plan inserted a description of land into Part 2 of Schedule 7, the Governor approved of subclause (5) applying to the land.

[3] Schedule 7

Insert after Schedule 6:

Schedule 7 Classification and reclassification of public land

(Clause 38)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Ballina		
Racecourse Road	Lot 72, DP 737313, as shown edged heavy black on the map marked "Ballina Local Environmental Plan 1987 (Amendment No 104)"	Nil.
Lennox Head		
Sapphire Court	Lot 13, DP 1041589, as shown edged heavy black on the map marked "Ballina Local Environmental Plan 1987 (Amendment No 104)"	Right of carriageway (AC1793) as noted on Certificate of Title Folio Identifier 13/1041589.

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
