



New South Wales

Bourke Local Environmental Plan 1998 (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*. (10/02781)

TOM GELLIBRAND
As delegate for the Minister for Planning

2010 No 683

Clause 1 Bourke Local Environmental Plan 1998 (Amendment No 2)

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under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Bourke Local Environmental Plan 1998 (Amendment No 2)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to certain land at Barrington, Bourke, Byrock, Fords Bridge, North Bourke and Wanaaring as described in Schedule 1 [2] to this Plan.

Schedule 1 Amendment of Bourke Local Environmental Plan 1998

[1] Clause 42

Insert after clause 41:

42 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council 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 when the description of the land is inserted into that Part and 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 2 of Schedule 7, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and

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(c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 7.

[2] Schedule 7

Insert after Schedule 6:

Schedule 7 Classification and reclassification of public land

(Clause 42)

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

Column 1	Column 2	Column 3
Address	Land description	Parcel Number
Barringun	Lots 1 and 2, DP 1046380	98
Scott Street, Barringun	Lots 2–4, Section 3, DP 1361	1, 2, 3
Scott Street, Barringun	Lots 6–8, Section 11, DP 1361	4, 5, 6
13 Adelaide Street, Bourke	Lot 2, Section 95, DP 758144	8
19 Adelaide Street, Bourke	Lot 1, DP 562523	7
20 Adelaide Street, Bourke	Lot 1, DP 392429	9
Anson Street, Bourke	Lot 1766, DP 1124151	117
34–44 Anson Street, Bourke	Lot 15, DP 829041	11
13 Charles Street, Bourke	Lot 1, DP 518831	16
69 Darling Street, Bourke	Lot 2, DP 510411	17
15 Darling Street, Bourke	Lot 1, DP 121928	18
12 Darling Street, Bourke	Lot 1, DP 628262	20
14 Darling Street, Bourke	Lot 2, DP 628262	22
6 Glen Street, Bourke	Lot 2, DP 513492	21
Gorrell Avenue, Bourke	Lot 11, Section 51, DP 758144	116

Column 1	Column 2	Column 3
Address	Land description	Parcel Number
71 Hope Street, Bourke	Lot 4, DP 528580	23
Hope Street, Bourke	Lot 2, DP 508326	24
60 Hope Street, Bourke	Lot A, DP 398742	25
10 Meek Street, Bourke	Lot 1, DP 506438	27
11 Mertin Street, Bourke	Lot A, DP 36416	30
15–17 Mertin Street, Bourke	Lot 1, DP 46659	31
5 Mertin Street, Bourke	Lot 1, DP 387739	32
10 Mertin Street, Bourke	Lot 1, Section 13, DP 758144; Lot 78, DP 720970	33
70 Mertin Street, Bourke	Lot 41, DP 1020973	34
Mitchell Highway Bourke	Lot 4, DP 1087293	114
17 Mitchell Street Bourke	Lot 2, DP 1074940	113
49 Mitchell Street Bourke	Lots 152 and 153, DP 1068536	112
105 Mitchell Street, Bourke	Lot 14, DP 36335	36
103 Mitchell Street, Bourke	Lot 13, DP 36335	37
101 Mitchell Street, Bourke	Lot 12, DP 36335	38
99 Mitchell Street, Bourke	Lot 11, DP 36335	39
97 Mitchell Street, Bourke	Lot 10, DP 36335	40
95 Mitchell Street, Bourke	Lot 9, DP 36335	41
93 Mitchell Street, Bourke	Lot 8, DP 35739	42
91 Mitchell Street, Bourke	Lot 7, DP 35739	43
65 Mitchell Street, Bourke	Lot B, DP 322541	44
29 Mitchell Street, Bourke	Lot 2, Section 85, DP 758144	45
17 Mitchell Street, Bourke	Lot 9, Section 85, DP 758144	46
78 Mitchell Street, Bourke	Lot 1, DP 35797	47
80 Mitchell Street, Bourke	Lot 2, DP 35797	48
82 Mitchell Street, Bourke	Lot 3, DP 35797	49
84 Mitchell Street, Bourke	Lot 4, DP 35797	50
88 Mitchell Street, Bourke	Lot 6, DP 35797	51

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Column 1	Column 2	Column 3
Address	Land description	Parcel Number
90 Mitchell Street, Bourke	Lot 7, DP 35797	52
92 Mitchell Street, Bourke	Lot 8, DP 35797	53
94 Mitchell Street, Bourke	Lot 9, DP 35797	54
96 Mitchell Street, Bourke	Lot 10, DP 35797	55
18 Moculta Street, Bourke	Lot A, DP 412968	56
58 Oxley Street, Bourke	Lot 32, DP 849363	58
Richard Street, Bourke	Lot 192, DP 836910	59
3 Short Street, Bourke	Part Lot 1, Section 27, DP 758144; Lot A, DP 327880	60
1 Tudor Street, Bourke	Lot 1, Section 26, DP 758144	62
2 Tudor Street, Bourke	Lots 1 and 2, DP 390952	97
6 Yanda Street, Bourke	Lot 1, DP 508326	64
Bourke Street, Byrock	Lot 1, DP 183201	70
Merrere Street, Byrock	Lot 1, Section 10, DP 758205	72
Aubrey Street, Fords Bridge	Lots 17 and 18, Section 44, DP 758419	73
Aubrey Street, Fords Bridge	Lot 7, Section 30, DP 758419	74
Aubrey Street, Fords Bridge	Lots 1 and 2, Section 43, DP 758419	75
Howard Street, Fords Bridge	Lots 7 and 8, Section 29, DP 758419	76
Howard Street, Fords Bridge	Lots 9 and 10, Section 44, DP 758419	77
Ross Street, Fords Bridge	Lots 18, 19 and 20, Section 43, DP 758419	78
Bogan Street, North Bourke	Lots 2 and 3, Section 2, DP 758781	81
Bogan Street, North Bourke	Lot 1, Section 2, DP 758781	82
Darling Street, North Bourke	Lot 5, Section 5, DP 758781	83
Darling Street, North Bourke	Lot 4, Section 5, DP 758781	84
Darling Street, North Bourke	Lots 2 and 3, Section 5, DP 758781	85

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Schedule 1

Column 1	Column 2	Column 3
Address	Land description	Parcel Number
Darling Street and Warrego Street, North Bourke	Lot 1, DP 1078284	118
Macquarie Street, North Bourke	Lots 6 and 7, Section 6, DP 758781	88
Macquarie Street, North Bourke	Lots 5 and 6, Section 11, DP 758781	89
Mitchell Bourke, North Bourke	Lot 12, Section 44, DP 758144	96
North Bourke	Lot 61, DP 1027306	94
North Bourke	Lot 63, DP 1027306	95
North Bourke	Lot 64, DP 1027306; Lots 100 and 101, DP 1049207; Lot 220, DP 855826; Lot 11, DP 1041841	115
O'Grady Street, Wanaaring	Lots 1, 2, 3, 4, 5, Section 3, DP 2078	90
O'Grady Street, Wanaaring	Lot 9, DP 45005	91

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

Column 1	Column 2	Column 3	Column 4
Address	Land description	Any trusts etc not discharged	Parcel number
Nil			

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Parcel Number
Nil	