



New South Wales

Coonabarabran Local Environmental Plan 1990 (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*. (10/01307-1)

TONY KELLY, MLC
Minister for Planning

2010 No 92

Clause 1 Coonabarabran Local Environmental Plan 1990 (Amendment No 2)

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1 Name of Plan

This Plan is *Coonabarabran Local Environmental Plan 1990 (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 Lot 1, DP 1033599, Jackson Street and Lot 2, DP 847880 and Lot 337, DP 753378, Reservoir Street, Coonabarabran.

Schedule 1 Amendment of Coonabarabran Local Environmental Plan 1990

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

community land has the same meaning as in the *Local Government Act 1993*.

operational land has the same meaning as in the *Local Government Act 1993*.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

[2] Clause 5 (1), definition of “Council”

Omit the definition. Insert instead:

Council means the Warrumbungle Shire Council (formerly known as the Coonabarabran Shire Council).

[3] Clause 38

Omit the clause. Insert instead:

38 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.

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Schedule 1 Amendment of Coonabarabran Local Environmental Plan 1990

- (2) The public land described in Part 1 or Part 2 of Schedule 6 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 6 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 6:
 - (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 6, 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 6, 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*).

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 6.

[4] Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 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
Coonabarabran	Lot 1, DP 1033599, Jackson Street
Coonabarabran	Lot 2, DP 847880, Reservoir Street
Coonabarabran	Lot 337, DP 753378, Reservoir Street

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil	Nil	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	Nil