



New South Wales

Botany Local Environmental Plan 1995 (Amendment No 41)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

2013 No 65

Clause 1 Botany Local Environmental Plan 1995 (Amendment No 41)

Botany Local Environmental Plan 1995 (Amendment No 41)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Botany Local Environmental Plan 1995 (Amendment No 41)*.

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 the land to which *Botany Local Environmental Plan 1995* applies and, in particular, to the following land:

- (a) corner of Tierney Avenue and Flint Street, Hillsdale, being part of Lot 1 and Lot 2, DP 562501,
- (b) Coggins Place, Mascot, being Lot 14, DP 248294,
- (c) 45 Coward Street, Mascot, being part of Lot 1, DP 207389.

Schedule 1 Amendment of Botany Local Environmental Plan 1995

[1] Clause 39

Omit the clause. Insert instead:

39 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 4 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 4 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 4:
- (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 4, 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 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and

2013 No 65

Botany Local Environmental Plan 1995 (Amendment No 41)

Schedule 1 Amendment of Botany Local Environmental Plan 1995

(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 4.

[2] Schedule 4

Insert after Schedule 3:

Schedule 4 Classification and reclassification of public land

(Clause 39)

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

Column 1	Column 2
Locality	Description
Hillsdale	Corner of Tierney Avenue and Flint Street, being part of Lot 1 and Lot 2, DP 562501, as shown edged heavy black on the map marked “Botany Local Environmental Plan 1995 (Amendment No 41)—Sheet A”
Mascot	45 Coward Street, being part of Lot 1, DP 207389, as shown edged heavy black on the map marked “Botany Local Environmental Plan 1995 (Amendment No 41)—Sheet B”

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

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
Botany	1042 Botany Road, being Lot 9, DP 7826, as shown edged heavy black on the map marked "Botany Local Environmental Plan 1995 (Amendment No 28)—Sheet C"	Nil
Mascot	Coggins Place, being Lot 14, DP 248294	Nil
Pagewood	Banksia Street, being Lot 50, DP 880635, as shown edged heavy black and lettered "2 (a)" on the map marked "Botany Local Environmental Plan 1995 (Amendment No 22)"	Nil

Part 3 Land classified, or reclassified, as community land

Column 1 Locality	Column 2 Description
Nil	

[3] Schedule 6 Classification or reclassification of public land as operational land

Omit the Schedule.