



New South Wales

Lachlan Local Environmental Plan 1991 (Amendment No 6)

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. (D08/00031/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2009 No 15

Clause 1 Lachlan Local Environmental Plan 1991 (Amendment No 6)

Lachlan Local Environmental Plan 1991 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lachlan Local Environmental Plan 1991 (Amendment No 6)*.

2 Aims of plan

The aims of this plan are:

- (a) to reclassify the land referred to in clause 3 (1) from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (b) to provide generally for the classification and reclassification of public land as operational land or community land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to land situated in the Lachlan local government area, being Lot 1, Section 6, DP 119131, Cunningham Street, Condobolin, as shown edged heavy black on the map marked “Lachlan Local Environmental Plan 1991 (Amendment No 6)” deposited in the office of the Lachlan Shire Council.
- (2) With respect to the aim referred to in clause 2 (b), this plan applies to all the land to which *Lachlan Local Environmental Plan 1991* applies.

4 Amendment of Lachlan Local Environmental Plan 1991

Lachlan Local Environmental Plan 1991 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

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 Lachlan Shire Council.

[3] Clause 5 (3)

Insert after clause 5 (2):

- (3) Notes in this plan are provided for guidance and do not form part of this plan.

[4] Clause 30

Omit the clause. Insert instead:

30 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

2009 No 15

Lachlan Local Environmental Plan 1991 (Amendment No 6)

Schedule 1 Amendments

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 3 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 3 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 3:
 - (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 3, 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 3, 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 3.

[5] Schedule 3

Omit the Schedule. Insert instead:

**Schedule 3 Classification and reclassification of
public land**

(Clause 30)

**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
Condobolin	Lot 1, Section 6, DP 119131, Cunningham Street	Nil

**Part 3 Land classified, or reclassified, as
community land**

Column 1	Column 2
Locality	Description