



New South Wales

## **Hurstville Local Environmental Plan 1994 (Amendment No 26)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(S00/00657/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

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## 2001 No 756

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 26)

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# Hurstville Local Environmental Plan 1994 (Amendment No 26)

## 1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 26)*.

## 2 Aims of plan

- (1) This plan aims:
  - (a) to reclassify part of the land to which this plan applies, being a road, from community land to operational land within the meaning of the *Local Government Act 1993*, and
  - (b) to zone the remainder of the land to Zone No 2 (the Residential Zone) under *Hurstville Local Environmental Plan 1994* (the 1994 plan).
- (2) This plan incidentally makes more extensive provisions in the 1994 plan for the classification or reclassification of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land as operational) of the *Local Government Act 1993*.

## 3 Land to which plan applies

- (1) To the extent that this plan reclassifies land, it applies Lot 1, DP 503262 and Lot 19, Section 5, DP 12082, and known as McGregor Street, Kingsgrove, as shown edged heavy black on Sheet 2 of the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 26)" deposited in the office of Hurstville City Council.
- (2) To the extent that this plan zones land, it applies to so much of Lot 1, DP 503262, McGregor Street, Kingsgrove, as is shown coloured light pink and edged heavy black on Sheet 1 of that map.

## 4 Amendment of Hurstville Local Environmental Plan 1994

*Hurstville Local Environmental Plan 1994* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Hurstville Local Environmental Plan 1994 (Amendment No 26)—Sheet 1

### [2] Clause 26A

Omit the clause. Insert instead:

#### **26A Classification and reclassification of public land as operational land**

- (1) The public land described in Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to the land described in Part 1 of Schedule 4.
- (3) Land described in Part 2 of Schedule 4:
  - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 4.

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Schedule 1 Amendments

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- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 4, means the local environmental plan cited at the end of the description of the land.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 4, the Governor approved of subclause (4) applying to the land.

**[3] Schedule 4 Classification and reclassification of public land as operational land**

Insert after the heading to the Schedule:

**Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993**

**[4] Schedule 4, Parts 2 and 3**

Insert at the end of the Schedule the following Parts:

**Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
<b>Kingsgrove</b>	
McGregor Street	Lot 1, DP 503262 and Lot 19, Section 5, DP 12082, as shown edged heavy black on Sheet 2 of the map marked "Hurstville Local Environmental Plan 1994 (Amendment No 26)".

**Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Trusts etc not discharged</b>