



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 36)

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

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Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 36)

Port Stephens Local Environmental Plan 2000 (Amendment No 36)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 36)*.

2 Commencement

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

3 Land to which Plan applies

- (1) To the extent that this Plan rezones land from Zone No 6 (a) (General Recreation “A” Zone) to Zone No 7 (a) (Environment Protection “A” Zone) under *Port Stephens Local Environmental Plan 2000*, it applies to the following land at Salamander Bay:
 - (a) part of Lot 51, DP 803471, 1 Diemars Road,
 - (b) part of Lot 2, DP 791551, 8 Fleet Street,
 - (c) Lot 164, DP 27047 and Lot 3, DP 791551, 160A and 160B Soldiers Point Road,as shown lettered “7 (a)” on Sheet 1 of the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 36)” (*the amending map*) deposited in the office of Port Stephens Council.
- (2) To the extent that this Plan reclassifies land from operational land to community land, it applies to part of Lot 2, DP 791551, 8 Fleet Street, Salamander Bay, as shown edged heavy black and identified as “Community” on Sheet 2 of the amending map.
- (3) To the extent that this Plan reclassifies land from community land to operational land, it applies to Lot 1, DP 263269, 314 Soldiers Point Road, Salamander Bay.

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

[1] Clause 43

Omit the clause. Insert instead:

43 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 1 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 1 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 1:
- (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 1, 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 1, 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 1.

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Classification and reclassification of public land

(Clause 43)

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

Column 1	Column 2
Locality	Description
Nil	

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Salamander Bay, 314 Soldiers Point Road	Lot 1, DP 263269	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Salamander Bay, 8 Fleet Street	Part of Lot 2, DP 791551, as shown edged heavy black and identified as “Community” on Sheet 2 of the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 36)”

[3] Dictionary

Insert in appropriate order in the definition of *the map*:

Port Stephens Local Environmental Plan 2000 (Amendment No 36)—Sheet 1