

LEP Practice Note PN 16-001: Classification and reclassification of public land through an LEP

The Department's Practice Note PN 16-001 includes a checklist for proposals seeking to classify or reclassify public land through an LEP. The information required to be addressed in the checklist is contained in the below table.

Requirement	Comment
The current and proposed classification of the land	The subject land is currently classified as community land and is proposed to be reclassified to operational land under the provisions of the <i>Local Government Act 1993</i> .
Whether the land is a 'public reserve' (defined in the LG Act)	The site is not defined as 'public reserve' under the <i>Local Government Act 1993</i> .
The strategic and site specific merits of the reclassification and evidence to support this	Addressed throughout the planning proposal
Whether the planning proposal is the result of a strategic study or report	Addressed under Part 3 Justification Section A – Need for the Planning Proposal.
Whether the planning proposal is consistent with council's community plan or other local strategic plan	Addressed under Part 3 Section B – Relationship to Strategic Planning Framework.
A summary of council's interests in the land, including: - how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) - if council does not own the land, the land owner's consent; - the nature of any trusts, dedications etc;	Council purchased the land in 1968 and in subsequent years a carpark was developed. The land is currently owned by Council.
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why	There are no interests in the land to be discharged as a result of the planning proposal.
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged	The effect of the reclassification will be that the land will be classified as operational, allowing for the sale of the site. This will result in a small loss of community land which is demonstrated in Figure 4 of the planning proposal.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents)	The land does not have public reserve status. The deposited plan is included in Appendix A of the planning proposal as evidence of this.
Current use(s) of the land, and whether uses are authorised or unauthorised	The site is currently used as a community facility by Ourcare Services Ltd and the Senior Citizen Centre. Ourcare Services Ltd is a not-for-profit organisation which provides a range of services to the Singleton community including community transport, meals on wheels, neighbour aid, home maintenance, home modification, domestic assistance and personal care. This is addressed further in the 'Introduction' section of the planning proposal.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls	Addressed throughout. A copy of the current lease is included in Appendix C.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time)	The current business dealings are addressed throughout. The current lease and arrangements are included in Appendix C. Details of the proposed sale are addressed throughout the planning proposal.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)	The planning proposal is not seeking to change the current zoning of the land, boundaries of the zone or development standards.
How council may or will benefit financially, and how these funds will be used;	Addressed throughout the planning proposal. The offer to purchase is \$625,000 (ex GST), and council proposes that the funds be re-invested into other Council assets to improve their operating efficiencies. Solar power is currently being investigated for this.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal	This planning proposal does not commit funds to proposed open space or specific improvements.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot	A Land Reclassification (part lots) Map is not applicable as the land to be reclassified applies to the whole lot.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable	The land is owned by Council. No formal consultation with State and Commonwealth public authorities has been undertaken at this stage nor is proposed. However, consultation will be undertaken with State agencies in accordance with the Gateway determination, if required.