



Planning Proposal

Reclassification of Land (various)
Parramatta CBD

PARRAMATTA CITY COUNCIL - September 2013

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1.0 Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to enable future development and/or disposal of 13 parcels of land (across five development sites) owned by Parramatta City Council within the Parramatta Local Government Area which have been identified as being surplus to requirements or as having redevelopment potential.

The planning proposal seeks to reclassify 13 parcels of land from Community Land to Operational Land through an amendment to Parramatta City Centre Local Environmental Plan 2007 (LEP 2007). The proposed reclassifications aim to ensure that Council can continue to carry out its functions in accordance with its long term strategic direction and the adopted Property Development and Investment Policy (2010), which sets the policy framework for the redevelopment of strategic sites.

2.0 Part 2 - Explanation of Provisions

2.1 Reclassifications Proposed

Council proposes to reclassify 13 parcels of land from Community Land to Operational Land.

The reclassifications are proposed for a number of reasons including:

- Sites automatically classified as community in the transition period at the commencement of the Local Government Act 1993;
- Sites identified for possible future redevelopment, sale or lease;
- Sites previously missed for reclassification, due to Council resolutions not resolving to do so within three months of acquisition.

Schedule 4 of the LEP 2007 will be amended to contain the list of Council owned land proposed to be reclassified in accordance with **Appendix A**.

The table at **Appendix B** explains the reclassifications proposed to the 13 parcels of land and includes required information as described in the (then) Department of Planning's issued Practice Note PN 09-003 "*Classification and reclassification of public land through a local environmental plan*".

2.2 Site Specific Reasons

In addition to the Table at **Appendix B**, the following site specific reasons are proposed for the reclassifications (**Table 1**).

Table 1 – Site Specific Reclassification Reasons

Sites	Title	Reason Reclassification Required	Document Identifying the site	Site Specific Development Intention	Any Agreements over the Land
Marion Street Car Park	Lot 1 DP 128775 Lot 2 DP 128775 Lot 1 DP 934330	These were acquired prior to the Local Government Act 1993. When the Act came in force in 1993 certain lands were automatically classified as community land including lands controlled by Council. The properties within this site have not since been reclassified and this planning proposal seeks to rectify this.	Parramatta Council Property Development and Investment Policy/Strategy (2010)	Redevelopment site with likely signing of Project Delivery Agreement (PDA) with private developer within 3-5 years.	Nil to date.
Lennox Bridge Car Park Site	Lot 2 DP 791693	Reclassification of Lot 1 DP 791693 occurred in 2001. Lot 2 DP 791693 (right of way) was missed and this planning proposal seeks to remedy this anomaly.	Parramatta Council Property Development and Investment Policy/Strategy (2010)	Redevelopment site with Project Delivery Agreement (PDA) signed in 2012.	A Project Delivery Agreement (PDA) was signed on 24 December 2012 with a private developer to redevelop the overall Lennox Bridge Car Park

Sites	Title	Reason Reclassification Required	Document Identifying the site	Site Specific Development Intention	Any Agreements over the Land
					site. A DA is to be lodged in the second half of 2013.
Parramatta Square	Lot 1 DP 731780 Lot 2 DP 549978	The majority of lots in Parramatta Square were re-classified after compulsory acquisition in 2003. Council did not resolve to make 2 lots operational within 3 months of acquisition in 2003 and 2007 (Section 31 of the LG Act 1993) therefore the lots were classified as community.	Civic Place Master Plan 2003	A Development Application has been lodged on Lot 1 DP 731780 for a 90 storey mixed use tower with Parramatta Council as the owner and applicant for the DA. Lot 2 DP 549978 will be subject to a future development application as part of a commercial building Development Application (DA), with a DA anticipated to be lodged within 3-4 years.	Nil to date
Riverbank Site	Lot 1 DP 1106033 Lot 102 DP1031459 Lot A DP421172 Lot 1 DP788637 Lot 1 DP85028 Lot B DP393866	These lots were acquired prior to the Local Government Act 1993. When the Act came in force in 1993 certain lands were automatically classified as community land including lands controlled by Council. The properties within this site have since not been reclassified to operational and this planning proposal seeks to rectify this.	Parramatta Council Property Development and Investment Policy/Strategy (2010)	Redevelopment site with likely signing of Project Delivery Agreement (PDA) with a private developer within 3-4 years.	Nil to date
Heritage and Information Centre	Lot 11 DP 846990	The Heritage Centre needs to relocate to another site due to growth in the centre that has occurred over the past 17 years, which means that a larger premises is required. The existing land on which the Heritage Centre is located will become surplus land after the Heritage Centre moves.	Parramatta Council Property Development and Investment Policy/Strategy (2010). The Corporate Plan also identifies the relocation of the Centre to the Lennox Street redevelopment site.	The site is identified as surplus to needs and Council will need to determine a future income producing use for this asset in the future leasing after it becomes vacant.	Nil to date

3.0 Part 3 – Justification

The following section includes an assessment against the requirements in *A guide to preparing local environmental plans* (April 2013) and *A guide to preparing planning proposals* (October 2012) published by the Department of Planning and Infrastructure.

3.1 Need for the planning proposal

3.1.1 Q1 – Is the planning proposal a result of any strategic study or report?

Council's most recent Community Strategic Plan – Parramatta 2038 (June 2013) specifically identifies that Council owns eight hectares of land in the Parramatta CBD and seeks to unlock value from these lands and leverage city shaping opportunities for these sites. The goal of this program is to enhance Parramatta's economy and job creation as Sydney's premier regional CBD, consistent with State Government Strategic directions.

Likewise, the Corporate Plan which is updated annually identifies that Council supports a target of 50,000 jobs for Parramatta over the next 25 years which is higher than the Metropolitan Plan for Sydney, which is driven by a need to address existing job shortages in Western Sydney. The redevelopment of the surplus assets in the Parramatta CBD is a key cornerstone of this strategy and also allows Council to invest in other aspects of the Corporate Plan and Parramatta 2038 to benefit the broader LGA.

The Property Development and Investment Policy adopted in 2010 specifically:

- Identifies strategic sites and their development opportunities, in particular surplus or under utilised property assets;
- Unlocks value from these lands, which will provide a source of revenue to establish a foundation for Council's long term future sustainability.

The subject sites in this planning proposal are part of the key initiatives of the Property Development and Investment Policy.

The planning proposal is consistent with the abovementioned documents.

3.1.2 Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal offers the most transparent, effective and efficient means of changing the classification of the sites listed.

The amendment seeks to re-classify a number of sites across the City Centre within the one LEP amendment to Parramatta City Centre Local Environmental Plan 2007, thereby reducing complexity and confusion.

3.2 Relationship to strategic planning framework

3.2.1 Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The *Metropolitan Plan for Sydney 2036* and the draft Metropolitan Strategy for Sydney strengthen the stated policy of the NSW State Government that Parramatta is a strategic centre and should develop as Greater Sydney's premier regional CBD. This has a number of strategic implications, the first and foremost being that a greater scale of development is required within the Parramatta City Centre than is currently present to meet the demand of this objective.

The sites for re-classification are all under-utilised parcels of land within a growing regional city. The re-classification of land will allow redevelopment of a scale commensurate with their zoning, height and FSR controls.

3.2.2 Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with Council's strategic vision for the sites as articulated by the 2005 Civic Place Master Plan (for the Parramatta Square sites) and the 2007 City Centre LEP (for remaining reclassification sites), which both call for a greater scale and quantum of development commensurate with the status of Parramatta CBD being the premier CBD of Western Sydney.

The planning proposal is also consistent with Council's strategic plan known as Parramatta 2038. This plan provides for the concentrated growth of Parramatta CBD as a commercial core, with complementary land uses such as housing around public transport and activity nodes. Whilst the focus of these plans is commercial growth in the CBD, residential accommodation is also envisaged for the CBD, activating the commercial core beyond business hours and allowing housing close to jobs, thereby supporting the viability of Sydney's Premier Regional City. The reclassification of land for the eventual sale of land for either purpose is therefore directly consistent with this strategic direction.

3.2.3 Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the planning proposal against applicable State Environmental Planning Policies (SEPPs) is provided in the **Table 2** below.

Table 2 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		Comment
	YES	NO	
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓		The planning proposal is consistent with SEPP 32 in providing for the opportunity for the re-development of sites in an area where there is existing public infrastructure, transport, community facilities, employment, leisure and other opportunities.
SEPP No 55 Remediation of Land	✓		The lands are currently zoned for mixed use development with a small portion zoned public recreation. The proposed LEP amendment does not seek to change current permissible uses. A further SEPP 55 assessment will accompany the DA documentation for each site.
SEPP No 65 Design Quality of Residential Flat Development	✓		Detailed compliance with SEPP 65 will be demonstrated at the time of making a development application for residential developments.
SEPP (BASIX) 2004	✓		Detailed compliance with SEPP BASIX will be demonstrated at the time of making a development application.
SEPP (Exempt and Complying Development Codes) 2008	✓		May apply to future development of the sites. Does not preclude the planning proposal.
SEPP (Infrastructure) 2007	✓		It is proposed that detailed traffic assessment be undertaken with any redevelopment proposals for the reclassified land.
SEPP (State and Regional Development) 2011	✓		The future development of the sites is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the JRPP acting as the determining authority.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	✓		The planning proposal is not inconsistent with the relevant planning principles for the Sydney Harbour Catchment, in that environmental impacts of future development will be suitably managed in the future applications.
SREP 18 – Public Transport Corridors	✓		SREP 18 applies to a small number of sites in the city centre. However, none of the sites are affected by the planning proposal.

3.2.4 Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency with the relevant directions for planning proposals issued by the Minister for Planning under Section 117(2) of the *Environmental Planning and Assessment Act 1979* is addressed in **Table 3** below:

Table 3 – Assessment against relevant Section 117 Directions

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones	✓			The planning proposal does not seek to change the land use zoning and therefore does not seek to reduce the extent of business zones in the locality.
2. Environment and Heritage				
2.1 Environment Protection Zones	✓			The planning proposal has no anticipated impacts on environmentally sensitive areas.
2.3 Heritage Conservation	✓			Parramatta City Centre LEP contains heritage conservation provisions and this proposal does not seek to amend them. Heritage considerations will accordingly be addressed as part of any future development of the land.
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones			✓	Not applicable
3.4 Integrating Land Use and Transport	✓			The planning proposal will allow the sale and eventual redevelopment of land in a central location to support public transport and improve access to jobs and services by walking, cycling and public transport.
4. Hazard and Risk				
4.1 Acid Sulphate Soils	✓			Parramatta City Centre LEP 2007 contains acid sulphate soils provisions and this proposal does not seek to amend them. Acid sulphate soils investigations and analysis will accordingly be undertaken as part of any future development of the lands.
4.3 Flood Prone Land	✓			Parramatta City Centre 2007 contains flood prone land provisions and this planning proposal does not seek to amend them. Flooding will be addressed as part of any future development of the lands.
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			No new concurrence provisions are proposed.
6.2 Reserving Land for Public Purposes	✓			No new road reservation is proposed.
6.3 Site Specific Provisions	✓			The planning proposal seeks to amend Schedule 4 of the LEP regarding the reclassification of land , which is the standard LEP template mechanism to do so.
7. Metropolitan Planning				

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	✓			The planning proposal is consistent with the objectives and strategies of the Metropolitan Plan in that it will facilitate the redevelopment of lands identified as strategically important in the Parramatta City Centre by virtue of their zoning. The redevelopment of the lands support the commercial core of Parramatta, further strengthens Parramatta's role as Sydney's premier regional CBD; and provides uses which will contribute to the vitality of the Parramatta City Centre.

3.3 Environmental, social and economic impact

3.3.1 Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats.

3.3.2 Q8 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other significant environmental effects which are not more appropriately dealt with as part of the assessment of a detailed design or proposals for each site. It is considered that the development controls under the City Centre LEP and DCP provide appropriate guidance to ensure that a high quality development outcome is achieved for the future development of the sites.

3.3.3 Q9 – Has the planning proposal adequately addressed any social and economic effects?

It is considered that the reclassification of land to facilitate their sale and redevelopment will have a positive social and economic impact upon the Parramatta City Centre, in terms of allowing a thriving CBD to develop to its controls and vision.

As stated above, where an increase in value as a result of redevelopment or funds are realised through lease or sale, the funds will be returned to Council's general fund and used for achieving improved community outcomes throughout the LGA.

The loss of car parking spaces associated with Council car park sites is not considered to cause any undue community detriment. Reduced parking is considered beneficial to the city centre in terms of reduced congestion and the reduction is based on under utilised spaces in the first instance. The redevelopment of sites will provide parking in accordance with the maximum parking rates contained within the Parramatta City Centre LEP 2007. These

parking rates have been derived by a strategic vision for a centre that is in close proximity to multiple public transport options.

3.4 State and Commonwealth Interests

3.4.1 Q10 – Is there adequate public infrastructure for the planning proposal?

Existing public transport, roads, utilities, waste management, recycling services and other essential services such as health, education and emergency services exist within the Parramatta Local Government Area and are generally adequate to serve and meet the needs of the proposal.

Whilst there will inevitably be some additional demand on public infrastructure associated with the ability for specific sites to be developed, much of this demand will be addressed either as part of any future Development Application.

3.4.2 Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred as part of the gateway determination of the planning proposal.

4.0 Part 4 – Mapping

Location Plans and zoning maps are provided for each parcel of land in this Planning Proposal at **Appendix C**.

5.0 Part 5 – Community Consultation

Community consultation (inclusive of a public hearing for sites in need of reclassification from 'Community' to 'Operational') is proposed in accordance with S.57 of the Environmental Planning and Assessment Act 1979.

The planning proposal will be exhibited following the LEP Gateway determination. A period of 28 days would be appropriate for the exhibition of the planning proposal and notification is able to be conducted by way of direct correspondence to the surrounding owners, publication within the local newspaper and information on Council's website.

Once the exhibition period has concluded a public hearing will be held subject to S57(6) of the *Environmental Planning and Assessment Act 1979* and Section 29 of the *Local Government Act 1993* for land involving reclassification from community to operational. There will be further notification in the local newspaper of the public hearing as well as direct correspondence with any parties that provide a submission or request to attend a hearing at least 21 days prior to such hearing.

Planning Practice Note PN09-003 pertains to the classification and reclassification of public land through a local environmental plan and is provided at **Appendix D**.

6.0 Part 6 – Project Timeline

Below is an indicative timeline for the planning proposal.

- Anticipated referral to Minister for Gateway Determination: September 2013
- Anticipated commencement date (date of Gateway determination): early October 2013
- Timeframe for government agency consultation (pre-and post-exhibition as required by Gateway determination); October – November 2013
- Commencement and completion dates for public exhibition period: October – November 2013
- Timeframe for consideration of submissions and notification of public hearing: November 2013
- Public Hearing: December 2013
- Timeframe for the consideration of proposal post exhibition and public hearing: November 2013 – January 2014
- Council consideration of outcomes of public hearing and exhibition period: January 2014
- Date of submission to the department to finalise the LEP: January 2014
- Anticipated date RPA will make the plan (if delegated): February 2014
- Anticipated date RPA will forward to the department for notification: February 2014

7.0 Practice Note – Classification of Public Land

On 12 June 2009, the (then) Department of Planning issued Practice Note PN 09-003 “*Classification and reclassification of public land through a local environmental plan*”. The Practice Note provides guidance on the process to classify or reclassify public land through an LEP including a principal plan in accordance with the Standard Instrument LEP.

This planning proposal addresses the Planning Practice Note as follows:

Table 4 – Planning Practice Note Required Information

	PN 09-003 Requirement	Compliance	Location in Report
1.	The reasons why the draft LEP is being prepared including the planning merits of the proposal, e.g. the findings of a centres’ strategy, council’s intention to dispose of the land, provision of open space in a town centre	Yes	Section 1.0, Section 2.0 and Section 3.1
2.	The current and proposed classification of the land	Yes	All parcels in the planning proposal are currently classified as community and are intended to be classified as operational.
3.	The reasons for the reclassification including how this relates to council’s strategic framework, council’s proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification	Yes	Section 2.2, Section 3.2 and Appendix A.
4.	Council’s ownership of the land, if this applies	Yes	All land in the planning proposal is owned by Parramatta City Council.
5.	The nature of council’s interest in the land, e.g. council has a 50 year lease over the site	Yes	Refer Section 2.0 and Appendix A.
6.	How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	Yes	Refer Appendix A.
7.	The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	Yes	Refer Section 2.0 and Appendix A.
8.	Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	Yes	Refer to Section 2.2
9.	An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as	Yes (generally)	The financial gain for each property is the potential sale of the land for redevelopment. Consistent with other Reclassification of Land Planning Proposals submitted by other Council’s and available on DP&I’s website, the specific likely financial benefit is commercial in confidence until tendering of the land is called.

	PN 09-003 Requirement	Compliance	Location in Report
	the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre		
10.	The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	Yes	Refer Appendix A and Section 2.2 .
11.	Whether there has been an 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	Yes	Refer to Section 2.2
12.	Relevant matters required in plan making under the EP&A Act	Yes	Details of the land are provided with the planning proposal, including title details. No specific changes to the map layers in terms of planning matters (zoning, height, FSR) are proposed. All relevant matters regarding DP&I's Guide to Preparing Planning Proposals are included in this document.
13.	A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies	Yes	A copy of the Practice Note will be provided in the exhibition materials.

Proposed Amendments to Schedule 4 “Classification and reclassification of public land” of Parramatta City Centre Local Environmental Plan 2007

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
Parramatta, 162 – 172 Church Street	Lot 1 DP 731780	1. Reservations and conditions in the Crown Grant(s). 2. K109056 Subject to easement for electricity transmission 0.915 metre(s) wide affecting the part(s) shown so burdened in the title diagram. 3. Y857695 Lease to Prospect County Council of substation premises No 17296 together with cableway 1 wide affecting another part of land within described shown in DP642347. Expires: 31/01/2015. F.I: 1/731780 Dated: 25/06/2012
Parramatta, 331A Church Street	Lot 2 DP 791693	NIL F.I: 2/791693 Dated: 15/07/2011
Parramatta, 338 Church Street	Lot 1 DP 788637	1. Reservations and conditions in the Crown Grant(s). 2. K200000P Caveat by the Registrar General forbidding unauthorised dealings with public reserves. F.I: 1/788637 Dated: 06/09/2013
Parramatta, 346A Church Street	Lot 11 DP 846990	1. Reservations and conditions in the Crown Grant(s) 2. The land above described is limited in stratum in the manner described in the title diagram. 3. DP846990 Easement for services affecting the part(s) shown so burdened in the title diagram. 4. DP846990 Easement for services appurtenant to the land above

		described. 5. DP846990 Easement for support and shelter affecting the part(s) shown so burdened in the title diagram. 6. DP846990 Easement for support and shelter appurtenant to the land above described. F.I: 11/846990 Dated: 06/09/2013
Parramatta, 18 Darcy Street	Lot 2 DP 549978	1. Reservations and conditions in the Crown Grant(s). F.I: 2/549978 Dated: 14/07/2011
Parramatta, 40 Marion Street (part of)	Lot 1 DP 128775 Lot 2 DP 128775 Lot 1 DP 934330	1. Reservations and conditions in the Crown Grant(s). F.I: Auto Consol 2030-185 Dated: 15/05/2013 F.I: 1/934330 Dated: 15/05/2013
Parramatta, 30B Phillip Street (part of)	Lot 1 DP 1106033 Lot 102 DP 1031459 Lot A DP 421172 Lot B DP 393866	1. Reservations and conditions in the Crown Grant(s). 2. B597947 Right of way variable width affecting the part(s) shown so burdened in DP 319191 as regards Lot 1 in DP1106033 3. C17357 Right of way variable width appurtenant to Lot A in DP350651 affecting the part shown in DP326559 4. D430620 Right of carriage way variable width affecting the part(s) shown so burdened in DP350651 as regards Lot 1 in DP1106033 5. D374128 Right of carriageway variable width appurtenant to the land above described affecting Lot 1 in DP500494. 6. D430620 Right of carriageway variable width appurtenant to the land above described affecting Lot 1 in 500494 7. 9233091 Lease to riverbank corporate centre pty/ltd of the part of Lot 1 in DP215036 comprised herein. Expires: 29/11/2061. AD413619 Transfer of Lease 9233091 Lessee now Sandhurst Trustees Limited. AE248075 Transfer of Lease 9233091 Lessee now Parramatta site developments Pty/Ltd AG229151 Transfer of Lease 9233091 Lessee now Karimbla

		properties (No. 22) Pty/Ltd. 8. DP1031459 Right of carriageway 12.31 wide and variable width affecting the part(s) shown so burdened and designated (A) in the title diagram. 9. DP1031459 Right of carriageway 12.31 wide, 5 wide and variable width affecting the part(s) shown so burdened and designated (B) in the title diagram. 10. DP1031459 Right of carriageway 12.31 wide and variable width affecting the part(s) shown so burdened and designated (C) in the title diagram. 11. DP1031459 Right of carriageway 12.31 Wide, 5 wide and variable width affecting the part(s) shown so burdened and designated (D) in the title diagram. 12. DP1031459 Easement for underground cables 1 wide and variable width affecting the part(s) shown so burdened in the title diagram. 13. DP1031459 Easement for right of access and right of manoeuvring variable width affecting the part(s) shown so burdened in the title diagram. F.I: Auto Consol 5550-211 Dated: 17/05/2013 F.I: 102/1031459 Dated: 17/05/2013 F.I: Auto-Consol 15127-108 Dated: 17/05/2013
Parramatta, 47 Phillip Street (part of)	Lot 1 DP 85028	1. Reservations and conditions in the Crown Grant(s). 2. 6084941 Caveat by Riverquay Developments pty/ltd. F.I: 1/85028 Dated: 06/09/2013

Part 3 Land classified, or reclassified, as operational land – no interests changed

Column 1	Column 2
Locality	Description

Appendix B

Summary Table – Reclassification of Land from Community to Operational

Black - Constraints to remain
Red – Constraints to be extinguished

Site	Ref	Lot & DP	Street Address	Area (m ²)	Existing Zoning	Ownership/ Interest	How/when acquired	Reason Acquired	Constraints on Title	Current Use	Proposed Use	Potential Financial Benefit
Marion Street Car Park (shown in figure 1)	1	Lot 1 DP128775	40 Marion Street	102	B4	PCC/ Freehold	Acquired in 1982	Car Park	1. Reservations and conditions in the Crown Grant(s). F.I: Auto Consol 2030-185 Dated: 15/05/2013	Vacant	Redevelopment site	Reclassification allows for long term lease or sale.
	2	Lot 2 DP128775	40 Marion Street	631.5	B4	PCC/ Freehold	Acquired in 1982	Car Park	1. Reservations and conditions in the Crown Grant(s). F.I: Auto Consol 2030-185 Dated: 15/05/2013	Vacant	Redevelopment site	Reclassification allows for long term lease or sale.
	3	Lot 1 DP934330	40 Marion Street	506	B4	PCC/ Freehold	Acquired in 1982	Car Park	1. Reservations and conditions in the Crown Grant(s). F.I: 1/934330 Dated: 15/05/2013	Vacant	Redevelopment site	Reclassification allows for long term lease or sale.
Lennox Bridge Car Park Site (shown in figure 2)	4	Lot 2 DP791693	331A Church Street	53	B4	PCC/ Freehold	Resumed for Right of Way in 1990 (ROW)	ROW	NIL F.I: 2/791693 Dated: 15/07/2011	Building built over right of way	Redevelopment site	Reclassification allows for long term lease or sale.
Parramatta Square (shown in figure 3)	5	Lot 1 DP731780	162-172 Church Street	2005	B4	PCC/ Freehold	Acquired on 15 July 2003	Implementation of Civic Place Master Plan	1. Reservations and conditions in the Crown Grant(s). 2. K109056 Subject to easement for electricity transmission 0.915 metre(s) wide affecting the part(s) shown so burdened in the title diagram. 3. Y857695 Lease to	Existing retail buildings	Redevelopment site	Reclassification allows for long term lease or sale.

Site	Ref	Lot & DP	Street Address	Area (m ²)	Existing Zoning	Ownership/ Interest	How/when acquired	Reason Acquired	Constraints on Title	Current Use	Proposed Use	Potential Financial Benefit
									Prospect County Council of substation premises No 17296 together with cableway 1 wide affecting another part of land within described shown in DP642347. Expires: 31/01/2015. 4. DP645609 Right of Carriageway variable width affecting the part(s) shown in the burdened in DP645609 F.I: 1/731780 Dated: 25/06/2012			
	6	Lot 2 DP549978	18 Darcy Street	140	B4	PCC/ Freehold	Acquired for Civic Place purposes on 24 September 2007	Implementation of Civic Place Master Plan	1. Reservations and conditions in the Crown Grant(s). 2. BK 540 No 733 Right to keep and maintain and have the use and benefit of the common drain and sewer. 3. R470754 Cross easements (S. 181B Conveyancing Act, 1919) affecting the party walls shown on the common boundary of lots 1 & 2 in DP549978. 4. AA567914 Lease to Mahdokht Rahimzadeh of 18A Darcy Street, Parramatta (including whole of carparking area). Expires: 22/12/2006 5. AD414168 Lease to Mohammad Arabyat & lyad Mohammad Al Ghananim of ground floor lock up shop	Existing retail buildings	Redevelopment site	Reclassification allows for long term lease or sale.

Site	Ref	Lot & DP	Street Address	Area (m ²)	Existing Zoning	Ownership/ Interest	How/when acquired	Reason Acquired	Constraints on Title	Current Use	Proposed Use	Potential Financial Benefit
									18 Darcy Street, Parramatta (including whole of car parking area) expires: 31/12/2009. Option of renewal: 3 years. F.I: 2/549978 Dated: 14/07/2011			
Riverbank (shown in figure 4)	7	Lot 1 DP. 1106033	30B Phillip Street	126	B4	PCC/ Freehold	Acquired prior to 1993 Local Government Act meaning lands transferred automatically to community land.	Car Park	1. Reservations and conditions in the Crown Grant(s). 2. B597947 Right of way variable width affecting the part(s) shown so burdened in DP 319191 as regards Lot 1 in DP1106033 3. C17357 Right of way variable width appurtenant to Lot A in DP350651 affecting the part shown in DP326559 4. D430620 Right of carriage way variable width affecting the part(s) shown so burdened in DP350651 as regards Lot 1 in DP1106033 5. D374128 Right of carriageway variable width appurtenant to the land above described affecting Lot 1 in DP500494. 6. D430620 Right of carriageway variable width appurtenant to the land above described affecting Lot 1 in 500494 7. 9233091 Lease to riverbank corporate centre pty/ltd of the part of Lot 1	Car Park	Redevelopment site	Reclassification allows for long term lease or sale.

Site	Ref	Lot & DP	Street Address	Area (m ²)	Existing Zoning	Ownership/ Interest	How/when acquired	Reason Acquired	Constraints on Title	Current Use	Proposed Use	Potential Financial Benefit
									in DP215036 comprised herein. Expires: 29/11/2061. AD413619 Transfer of Lease 9233091 Lessee now Sandhurst Trustees Limited. AE248075 Transfer of Lease 9233091 Lessee now Parramatta site developments Pty/Ltd AG229151 Transfer of Lease 9233091 Lessee now Karimbla properties (No. 22) Pty/Ltd F.I: Auto Consol 5550-211 Dated: 17/05/2013			
	8	Lot 102 DP. 1031459	30B Phillip Street	2284	B4	PCC/ Freehold	Acquired prior to 1993 Local Government Act meaning lands transferred automatically to community land.	Car Park	1. Reservations and conditions in the crown grant(s) 2. DP1031459 Right of carriageway 12.31 wide and variable width affecting the part(s) shown so burdened and designated (A) in the title diagram. 3. DP1031459 Right of carriageway 12.31 wide, 5 wide and variable width affecting the part(s) shown so burdened and designated (B) in the title diagram. 4. DP1031459 Right of carriageway 12.31 wide and variable width affecting the part(s) shown so burdened and	Car Park	Redevelopment site	Reclassification allows for long term lease or sale.

Site	Ref	Lot & DP	Street Address	Area (m ²)	Existing Zoning	Ownership/ Interest	How/when acquired	Reason Acquired	Constraints on Title	Current Use	Proposed Use	Potential Financial Benefit
									designated (C) in the title diagram. 5. DP1031459 Right of carriageway 12.31 Wide, 5 wide and variable width affecting the part(s) shown so burdened and designated (D) in the title diagram. 6. DP1031459 Easement for underground cables 1 wide and variable width affecting the part(s) shown so burdened in the title diagram. 7. DP1031459 Easement for right of access and right of manoeuvring variable width affecting the part(s) shown so burdened in the title diagram. 8. 9233091 Lease to Riverbank corporate Centre pty/ltd of the part of Lot 1 in DP215036 comprised herein. Expires: 20/11/2061 AD413619 Transfer of Lease 9233091 Lessee now Sandhurst Trustees Ltd AE248075 Transfer of Lease 9233091 Lessee now Parramatta site developments pty/ltd AG229151 Transfer of Lease 9233091 Lessee now Karimbla properties (No. 22) pty/ltd.			

Site	Ref	Lot & DP	Street Address	Area (m ²)	Existing Zoning	Ownership/ Interest	How/when acquired	Reason Acquired	Constraints on Title	Current Use	Proposed Use	Potential Financial Benefit
									F.I: 102/1031459 Dated: 17/05/2013			
	9	Lot A DP421172	30B Phillip Street	209	B4/RE1	PCC/ Freehold	Acquired prior to 1993 Local Government Act meaning lands transferred automatically to community land.	Car Park	1. Reservations and conditions in the Crown Grant(s) 2. DP1031459 Right of Carriageway 12.31 wide and variable width affecting the part(s) shown so burdened and designated (A) in DP1031459. 3. DP1031459 Right of carriageway 12.31 wide and variable width affecting the part(s) shown so burdened and designated (C) in DP1031459. 4. 9233091 Lease to Riverbank corporate centre pty/ltd of the part of Lot 1 in DP215036 comprised herein. Expires: 20/11/2061. AD413619 transfer of Lease 9233091 Lessee now Sandhurst Trustees Limited. AE248075 Transfer of Lease 9233091 Lessee now Parramatta site developments pty/ltd AG229151 Transfer of Lease 9233091 Lessee now Karimbla properties (No. 22) pty/ltd. F.I: Auto-Consol 15127-108 Dated: 17/05/2013	Car Park	Redevelopment site	Reclassification allows for long term lease or sale.

Site	Ref	Lot & DP	Street Address	Area (m ²)	Existing Zoning	Ownership/ Interest	How/when acquired	Reason Acquired	Constraints on Title	Current Use	Proposed Use	Potential Financial Benefit
	10	Lot 1 DP788637	338 Church Street	434	B4/RE1	PCC/ Freehold	Acquired prior to 1993 Local Government Act meaning lands transferred automatically to community land.	Car Park	1. Reservations and conditions in the Crown Grant(s). 2. K200000P Caveat by the Registrar General forbidding unauthorised dealings with public reserves. F.I: 1/788637 Dated: 06/09/2013	Car Park	Redevelopment site	Reclassification allows for long term lease or sale.
	11	Lot B DP393866	30B Phillip Street	3098	B4/RE1	PCC/ Freehold	Acquired prior to 1993 Local Government Act meaning lands transferred automatically to community land.	Car Park	1. Reservations and conditions in the Crown Grant(s) 2. DP1031459 Right of Carriageway 12.31 wide and variable width affecting the part(s) shown so burdened and designated (A) in DP1031459. 3. DP1031459 Right of carriageway 12.31 wide and variable width affecting the part(s) shown so burdened and designated (C) in DP1031459. 4. 9233091 Lease to Riverbank corporate centre pty/ltd of the part of Lot 1 in DP215036 comprised herein. Expires: 20/11/2061. AD413619 transfer of Lease 9233091 Lessee now Sandhurst Trustees Limited. AE248075 Transfer of Lease 9233091 Lessee now Parramatta site	Car Park and riverside park	Redevelopment site	Reclassification allows for long term lease or sale.

Site	Ref	Lot & DP	Street Address	Area (m ²)	Existing Zoning	Ownership/ Interest	How/when acquired	Reason Acquired	Constraints on Title	Current Use	Proposed Use	Potential Financial Benefit
									developments pty/ltd AG229151 Transfer of Lease 9233091 Lessee now Karimbla properties (No. 22) pty/ltd. F.I: Auto-Consol 15127-108 Dated: 17/05/2013			
	12	Lot 1 DP85028	47 Phillip Street	133	B4	PCC/ Freehold	Acquired prior to 1993 Local Government Act meaning lands transferred automatically to community land.	Car Park	1. Reservations and conditions in the Crown Grant(s). 2. 6084941 Caveat by Riverquay Developments pty/ltd. F.I: 1/85028 Dated: 06/09/2013	Car Park	Redevelopment site	Reclassification allows for long term lease or sale.
Heritage Centre (shown in figure 5)	13	Lot 11 DP846990	346A Church Street	1,023	B4	PCC/ Freehold	Acquired from Meriton as part of Section 94 Contributions . Dedicated to Council in lieu of Section 94 Contributions	For use as the Parramatta Heritage Centre	1. Reservations and conditions in the Crown Grant(s) 2. The land above described is limited in stratum in the manner described in the title diagram. 3. DP846990 Easement for services affecting the part(s) shown so burdened in the title diagram 4. DP846990 Easement for services appurtenant to the land above described. 5. DP846990 Easement for support and shelter affecting the part(s) shown so burdened in the title	Heritage Centre to be relocated to Discovery Centre in the Lennox Street redevelopment due to growth of the functions of the centre (larger space required)	An alternate income producing asset will need to be determined.	Reclassification allows for long term lease or sale.

Site	Ref	Lot & DP	Street Address	Area (m ²)	Existing Zoning	Ownership/ Interest	How/when acquired	Reason Acquired	Constraints on Title	Current Use	Proposed Use	Potential Financial Benefit
									diagram. 6. DP846990 Easement for support and shelter appurtenant to the land above described. F.I: 11/846990 Dated: 06/09/2013			



Heritage Centre

Lennox

Riverbank

Parramatta Square

Marion Street Car Park

COWPER STREET

Lot 1

DP 128775

Lot 2

Lot 1

DP
934330

MARION STREET



Lot 2
DP 791693

CHURCH STREET

An aerial photograph showing two industrial lots, Lot 1 and Lot 2, outlined with red dashed lines. Lot 1 is a large rectangular area on the left, containing several large industrial buildings with grey roofs and solar panels. Lot 2 is a smaller, more irregularly shaped area on the right, also containing industrial buildings. The lots are situated along Darcy Street, which runs horizontally across the middle of the image. Below the street are railway tracks. The surrounding area includes other industrial buildings, trees, and a parking lot with several vehicles.

Lot 1
DP 731780

Lot 2
DP 549978

DARCY STREET



Lot 102
DP 1031459

Lot 1
DP 1106033

PHILLIP STREET



PARRAMATTA RIVER

An aerial photograph showing three industrial lots along the Parramatta River. Lot 1 is a large white-roofed building on the left. Lot A is a smaller building in the center. Lot B is a large paved area on the right. A red dashed line outlines the three lots. The river is at the top of the image.

Lot 1
DP 788637

Lot A
DP 421172

Lot B
DP 393866



Lot 1
DP 85028

This is an aerial photograph of a city block. A red dashed rectangle highlights a specific lot, labeled 'Lot 1 DP 85028'. The lot is situated between Phillip Street and Wilde Avenue. To the left of the lot are several residential buildings with various roof colors (grey, brown, white). To the right is a wide, multi-lane road labeled 'WILDE AVENUE'. Above the lot is a large, dark, irregularly shaped area, possibly a park or undeveloped land. Below the lot is another street labeled 'PHILLIP STREET'. The overall scene shows a mix of urban development and open space.

WILDE AVENUE

PHILLIP STREET



X

CHURCH STREET

Lot 11
DP 846990

PARRAMATTA RIVER



LEP practice note

STANDARD INSTRUMENT FOR LEPS

Note	PN 09–003
Date	12 June 2009
Related	Supersedes (re)classification advice in Best Practice Guideline (1997)

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument.

Introduction

'Public land' is any land (including a public reserve) vested in, or under the control of, council. Exceptions include roads, land to which the *Crown Lands Act 1989* applies, a common, or land to which the *Trustees of Schools of Arts Enabling Act 1902* applies.

'Community' land is generally open to the public, for example, parks, reserves or sports grounds.

'Operational' land may be used for other purposes, for example, as works depots or garages, or held by council as a temporary asset.

'Classification' of public land refers to the process when this land is first acquired and first classified as either 'operational' land or 'community' land.

'Reclassification' of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act) [through section 27(2)], or
- a local environmental plan (LEP) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) [through section 27(1) of the LG Act].

In both cases, it is not possible for councils to delegate their decision to classify or reclassify public land [section 377(1) of the LG Act]. Councils are encouraged to classify or reclassify land through the LG Act wherever circumstances conform to sections 31, 32 or 33 of the LG Act.

The remaining parts of this practice note identify the key areas councils must consider when proposing to classify or reclassify public land by means of a local environmental plan (LEP) under the second option.

This practice note supersedes the sections relating to classification and reclassification in *LEPs and council land*, Best Practice Guideline (Department of Urban Affairs and Planning 1997).

Procedure under the EP&A Act

Where classification or reclassification is proposed through an LEP, council is advised to include the proposal as early as possible in the draft LEP or planning proposal. If the public land to be classified or reclassified is not owned by council, landowner's consent is required prior to either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).¹

The proposal would then form part of the material presented through either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).

¹ In relation to the Part 3 amendment, council should also check the changes to the EP&A Act and Regulation once these commence.

To assist councils, the steps in preparing material either as a draft LEP or planning proposal are summarised in Attachment 1. Column 1 of Attachment 1 sets out the requirements in accordance with the EP&A Act **prior to** the Part 3 amendment commencing. Column 2 of the attachment sets out the requirements **after** the Part 3 amendment commences. In relation to the Part 3 amendment, council should also check the savings and transitional arrangements under the EP&A Act, once these commence.

Where land is proposed to be reserved for a public purpose such as provision of public services and facilities, section 117 Direction 6.2—Reserving Land for Public Purposes applies. The Direction also sets out requirements when a reservation of public land for such purposes is no longer required.

A summary of relevant matters that need to be available at the time the planning proposal is first forwarded are listed in Attachment 2 under 'Exhibition'. Other matters for exhibition and later stages are listed separately in that attachment.

Provisions in the Standard Instrument

The following Standard Instrument provisions are relevant to the classification and reclassification of public land.

Clause 5.2—Classification and reclassification of public land

The purpose of this clause is to enable councils to classify or reclassify public land identified in Schedule 4 of the Standard Instrument. Only public land to be classified or reclassified by publication on the NSW legislation website of that principal LEP is to be identified in the schedule. Schedule 4 must not contain a reference to any land already classified or reclassified.

Part 1 Schedule 4—change to 'operational' land, no interest changes

Land is identified in Part 1 of Schedule 4 where the trusts, estates, interests, dedications, conditions, restrictions or covenants over the land are to remain after reclassification to 'operational land', i.e. where **no** interests will change.

Part 2 Schedule 4—change to 'operational' land and an interest will change

Land is identified in Part 2 of Schedule 4 where the land is to be classified or reclassified as 'operational land' and some of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land remain. The interests to remain are identified in column 3 of this part of the schedule.

Part 3 Schedule 4—change to 'community' land

Land proposed to be classified or reclassified as 'community land' through the LEP is identified in Part 3 of the schedule.

Where there is no land to be classified or reclassified through the LEP, the clause remains with the schedule empty.

General requirements for exhibition

Public exhibition of the LEP occurs after certification of the LEP (in accordance with section 66 of the EP&A Act). Public exhibition of a planning proposal may occur in accordance with section 57(2) (when the Part 3 amendment to the EP&A Act commences). To assist the public in understanding an exhibited draft LEP or planning proposal to classify or reclassify land, requirements are summarised in Attachment 2.

A copy of council's response to these requirements together with a copy of this practice note is to be part of material displayed during public exhibition of an LEP or planning proposal to reclassify or classify public land.

Public hearing

A public hearing must be held when 'community land' is proposed to be reclassified as 'operational land'.

To ensure council and the community have sufficient time to consider relevant matters associated with the proposed change, the public hearing is held **after** the close of the exhibition period under section 68 of the EP&A Act (section 29 of the LG Act) for an LEP and in accordance with section 57(6) (when the Part 3 amendment to the EP&A Act commences).

Public hearing provisions are set out in the EP&A Regulation (clause 14) and public notice of a hearing must be sent or published **at least 21 days** before the start of the public hearing.

The independence of the person chairing the public hearing and requirements relating to the preparation and inspection of reports from the hearing are specified in section 47G of the LG Act.

Further information

A copy of this practice note, Standard Instrument, and other specific practice notes and planning circulars on using the Standard Instrument, can be accessed on the Department's website <http://www.planning.nsw.gov.au/lep/index.asp>

Authorised by:

Sam Haddad, Director-General

List of attachments:

1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*
2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Attachment 1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*

Requirements prior to commencement of the 2008 Part 3 amendment to the EP&A Act	Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal
Council notifies the Department of a decision to prepare a draft LEP including a proposal to classify or reclassify public land (section 54 of the EP&A Act). This notification is accompanied by an appropriate level of information including for the following: - a justification for the proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including agency's consent where land is vested or held by an agency other than council - consideration of any relevant directions e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.	A planning proposal is forwarded by council to the Minister (new section 56 of the EP&A Act), including a proposal to classify or reclassify public land. This proposal contains an appropriate level of information including for the following: - a justification for the planning proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including an agency in which the land is vested or held - consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
Consultation with relevant public agencies and other stakeholders (section 62 of the EP&A Act).	See below.
After consultation, council submits a draft LEP to the Department and, subject to the issue of a section 65 certificate, the draft LEP is exhibited for a minimum of 28 days and the public invited to provide written submissions to the exhibited LEP within the exhibition period.	Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the EP&A Act).
Where a draft LEP includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with section 68 of the EP&A Act (section 29 of the Local Government Act). *	Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with new section 57(6) of the EP&A Act. *
Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.	Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.
Where it is considered appropriate, the draft LEP is submitted to the Director-General together with details of all submissions and the report of the public hearing, together with a statement of other matters set out in section 68 of the EP&A Act.	Consultation for a planning proposal under new section 57 of the EP&A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing. Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (new section 59 of the EP&A Act).
The Director-General furnishes a report to the Minister if the Director-General is satisfied that the draft LEP has been prepared in accordance with any applicable standard instrument under section 33A (section 69 of the EP&A Act).	
The Minister determines whether to make the LEP under section 70 of the EP&A Act. **	The Minister (or Minister's delegate) determines whether to make the LEP under new section 59 of the EP&A Act. **

Notes:

* Where a proposal includes a classification of 'operational' land to 'community' land, a public hearing is not generally required.

** Where a reclassification proposes to extinguish other interests in the land, the approval of the Governor is required in accordance with section 30 of the LG Act.

Attachment 2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Exhibition

When exhibiting a planning proposal or draft LEP to classify or reclassify public land, council must provide a written statement including the following:

- the reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre
- the current and proposed classification of the land
- the reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification
- council's ownership of the land, if this applies
- the nature of council's interest in the land, e.g. council has a 50 year lease over the site
- how and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94
- the reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency
- any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement
- an indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre
- the asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially
- whether there has been an 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

- Relevant matters required in plan making under the EP&A Act
- A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.

Post-exhibition

Once a decision has been made regarding whether the draft LEP or planning proposal proceeds, everyone who made a written submission must be notified in writing of the decision.

Written notification must occur within 14 days of the decision and needs to clearly identify the reasons for council's decision. An explanation must be included of how issues raised in submissions were addressed including the reasons for council's decision.

The final report after exhibition to either the Director-General or the Minister should include:

- a brief summary of council's interest in the land
- issues raised in any relevant submissions
- the dates of the exhibition and the hearing
- an explanation of how issues raised were addressed or resolved.

Additional matters to be addressed when the Governor's approval is required

The Governor's approval is required for the extinguishment of public reserve status and other interests in land which a council proposes to reclassify from 'community' to 'operational' status under the LG Act.

Council must provide sufficient information in accordance with this practice note to inform the Minister of any public reserve and/or other third party property interests (e.g. trust, covenant, easement) that are proposed to be extinguished upon the making of such a draft LEP or planning proposal.

Important note

This note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this note.

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