

FACT SHEET 28: Reclassifications

Introduction

Council has the ability to reclassify public land through the draft Shoalhaven Local Environmental Plan (LEP) 2013, but has kept these reclassifications to a minimal number of minor changes. '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. This is required to be done through an LEP process when the land is being changed from community to operational land (see Part 2 of Chapter 6 of the *Local Government Act 1993*).

Reclassifications

It is proposed to reclassify six parcels of land under draft Shoalhaven LEP 2013 as per the table below.

These reclassifications are being undertaken consistent with the Department of Planning and Infrastructure's *LEP Practice Note PN 09-003 – Classification and reclassification of public land through a local environmental plan* which is included with the background documents for this exhibition or can be viewed on the DP&I's website www.planning.nsw.gov.au. Please note that the left hand column in Attachment 1 of the Department's Practice Note applies to the draft Shoalhaven LEP 2013.

Lot 21 DP 252581 Shoalhaven Heads Road, Shoalhaven Heads

The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Therefore, Council needs to reclassify the land to effect the sale.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	Reserve adjoins and is currently leased to holiday park.
Ownership	Council
Council's interests in land - when and how acquired	Created as Public Reserve in Plan of Subdivision DP252581 as a condition of consent dated 29/10/1974.
Any Agreements over the land	Licence to Coastal Palms Holiday Park. Term – 5 years.
Financial loss or gain of reclassification	Small financial gain through possible sale of land, however possible loss of ongoing income from licensing agreement.
Asset management objectives	Dispose of surplus land through investigation of sale of land to adjoining land owner.
Any agreements for sale or lease of land	No

Lot 12 DP 617101 & Lot 3 597223 Bolong Road, Coolangatta

The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Therefore, Council needs to reclassify the land to effect the sale.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	Small roadside reserves that no longer have any purpose.
Ownership	Council
Council's interests in land - when and how acquired	Unknown
Any Agreements over the land	No
Financial loss or gain of reclassification	Small financial gain if sold to adjoining land owner. Comparable rural land has been valued in the vicinity of \$3 - \$3.5 per m ² .
Asset management objectives	Dispose of surplus land through investigation of sale of land to adjoining land owner.
Any agreements for sale or lease of land	No

Part of Lot 2081 DP 216860 Lively Street, Vincentia

The Council intends to grant licences or a right of way over part of the land to achieve its planning objectives for the area. Licence agreements and right of ways are inconsistent with the current community land classification. Therefore, Council needs to reclassify the part of the land.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	To allow the adjoining property owners to obtain legal access from Council by negotiating a Licence or Right-of-Carriageway.
Ownership	Council
Council's interests in land - when and how acquired	Unknown
Any Agreements over the land	No
Financial loss or gain of reclassification	Small financial gain through licence agreements.
Asset management objectives	Dispose of surplus land through investigation of licensing of land to adjoining land owner(s).
Any agreements for sale or lease of land	No

Lot 4 DP 550354 Island Point Road, St Georges Basin

The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Therefore, Council needs to reclassify the land to effect the sale.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	Isolated foreshore reserve that can only be accessed by water or over private property.
Ownership	Council
Council's interests in land - when and how acquired	1971 by dedication
Any Agreements over the land	No
Financial loss or gain of reclassification	Small financial gain if sold to adjoining land owner(s).
Asset management objectives	Dispose of surplus land through investigation of sale of land to adjoining land owner(s).
Any agreements for sale or lease of land	No

Lot 35 DP 226342 Edgewater Ave, Sussex Inlet

The Council intends to enter into licence agreements over the land to allow private jetties. Council needs to reclassify the land to be able to enter into private licensing agreements and to approve development applications for private jetties.

Current Classification	Community
Proposed Classification	Operational
Reasons for Reclassification	Canal requires reclassification to allow for the provision of long term licensing of jetties and moorings.
Ownership	Council
Council's interests in land - when and how acquired	Unknown
Any Agreements over the land	No
Financial loss or gain of reclassification	Financial gain through licence agreements for jetties and moorings.
Asset management objectives	Management of canal system. Enter into licence agreements for jetties and moorings.
Any agreements for sale or lease of land	No

Public Hearings

Council is required to hold a public hearing for any reclassifications of public land from community to operational. As this hearing is required to be held after the completion of the exhibition, Council will provide further information on the timings of the hearing once the draft Shoalhaven LEP re-exhibition has concluded.

Definitions

Community land – Council owned land which should be kept for use by the general public and would ordinarily comprise land such as a public park. The use and management of community land is to be regulated by a plan of management.

Operational land – Council owned land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

Further information

For further details relating to the information in this fact sheet and the draft Shoalhaven LEP 2013, please visit the draft Shoalhaven LEP website at www.slep2013.shoalhaven.nsw.gov.au or contact Council on (02) 4429 5377 or via email SLEP2013@shoalhaven.nsw.gov.au.