

## LEP practice note – PN 16-001 Classification and reclassification of public land through a local environmental plan – Attachment 1 – Information Checklist Item 1 – East Maitland

Checklist criteria	Council information
The current and proposed classification of the land	Current classification is Community Land Proposed classification is Operational land
Whether the land is a 'public reserve' as defined in the LG Act	The land is not a public reserve as defined under the LG Act
The strategic and site-specific merits of the reclassification and evidence	The site is located within East Maitland. East Maitland is a priority area for infill housing and commercial development for the Maitland LGA as identified in the Hunter Regional Plan 2036. The reclassification is a matter to correct a classification anomaly and to be consistent with the objectives of the existing B2 – Local Centre zone within the MLEP 2011.
Whether the planning proposal is the result of a strategic study	No
Whether the planning proposal is consistent with council's community plan or other local strategic plan	<p>Maitland Community Strategic Plan</p> <p>The proposal supports the following objectives of the Council's community strategic plan (Maitland +10) The planning proposal seeks to ensure that Council delivers on the economic sustainability of the LGA by way of provision of additional housing that is consistent with the long-term strategic planning as well as amending an anomaly that is align with the existing zoning of the land.</p> <p>Maitland Local Strategic Plan 2040</p> <p>Under 5.0 Local Planning priorities the priority is to <i>"plan for diverse and affordable housing to meet the needs of our growing and changing community"</i>.</p>

	<p>The proposed LEP for Item 2 will help contribute to this priority by the facilitation and provision of additional housing stock to the housing supply within the Maitland LGA. The proposed LEP will contribute to the Urban Development Program (UDP) that are one of the key actions of the program.</p>
<p>A summary of council's interest in the land including how the land was first acquired, owners' consent if Council is not the landowner and the nature of any trusts, dedications etc.</p>	<p>The land was acquired from Mr Bourne after transfer of Lot 20 of DP 541629 to the Salvation Army (26<sup>th</sup> of July 1973). The parcel of land was formed by Subdivision of the original lot No.11/1970 (as attached).</p>
<p>Whether any interest in land is proposed to be discharged and if so, an explanation of the reasons why</p>	<p>Council is the landowner of the subject site where reclassification is being sought. The ownership will remain unchanged and it will be retained as part of a accessway/ public carpark. Maitland City Council is not proposed to discharge any existing interests on the subject land as a part of reclassification process. However, Council may decide to grant a licence for right of way to those who required rear access to their properties as a part of development approval process.</p>
<p>The effect of the reclassification including any loss of public land, the land ceases to be a public reserve or particular interest will be discharged.</p>	<p>Council does not have the power to grant a development consent over Community Land for residential vehicle access to a non-Council owned property under the Local Government Act 1993. The effect of the proposed reclassification will enable Council to consider rear access to those properties as a part of development application process to ensure efficient and improved traffic circulation within the area.</p>
<p>Evidence of public reserve status or relevant interests, or lack of thereof applying to the land such as electronic title searches, government gazette, trust documents</p>	<p>Land Registry Service – Title Search (72409765) (as attached)</p> <p>A search of Council records revealed that the subject site is not designated as a 'public reserve' under the Local Government Act 1993.</p>
<p>Current use of the land</p>	<p>The subject site is currently part of a Council owned car park/access lane for those businesses that front both George and King St East Maitland</p>

Current or proposed lease agreements applying to the land, together with their duration, terms and controls	It is proposed to undertake a licence for access to the site during the construction stage for the adjoining property which has sought to undertake alterations and additions to the existing commercial property. In order for the first stage of works to take place (alterations and additions to the vet clinic building) the applicant will require access for construction vehicles and the like via Council's carpark, and the current community title allotment. Without access over the rear carpark for construction vehicles, the alterations and additions to the building will not be able to proceed due to restricted / narrow access from George Street. The licence will only be for a short period during the construction phase 2-3 months.
Current or proposed business dealings either to sell or lease the land, the basic details of any such arrangement and if Council intends to realise the assets either immediately or after rezoning/reclassification or at a later time.	Council will intend to enable a short-term lease for access requirements during the construction phase of the adjoining commercial building that has Council approval to undertake renovations.
Any rezoning associated with the reclassification and if yes demonstrate consistency with the relevant Plan of Management (POM).	No rezoning is proposed.
How council may or will benefit financially and if so how will these funds be used.	Council has no intentions of disposing of the lot as it forms part of an existing/functioning carpark/laneway.
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.	NA

Preliminary comments by a relevant government agency that dedicated the land to council.	No formal consultation with State and Commonwealth public authorities has been undertaken for this planning proposal.
How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification.	Not applicable.

**LEP practice note – PN 16-001 Classification and reclassification of public land through a local environmental plan – Attachment 1 – Information Checklist Item 1 – Thornton**

<b>Checklist criteria</b>	<b>Council information</b>
The current and proposed classification of the land	Current classification is Community Land Proposed classification is operational land
Whether the land is a 'public reserve' as defined in the LG Act	The land is classified as 'public reserve' as defined by the LG Act.
The strategic and site-specific merits of the reclassification and evidence	<p>The proposal is intended to change land classification under the Local Government Act 1993 and it is not driven by any specific strategic directions. The reclassification will enable development consents granted on the adjoining properties to formalise access arrangements that will meet GTA requirements (Rural Fire Service).</p> <p>Regionally, the site is considered as part of a "Priority Release Housing Area" in the Greater Newcastle Metro Plan and as a "Growth Area" within the Hunter Regional Plan 2036. The site is within the Thornton North Urban Release Area, and the Thornton North URA Development Control Plan applies to the site. Maitland +10 calls for: planning and development of new suburbs will provide for a mix of housing types" that supports the</p>

	need for the overall subdivision development. This amendment to Schedule 4 of the MLEP 2011 will help in that facilitation.
Whether the planning proposal is the result of a strategic study	<p>No</p> <p>The Planning Proposal is the result of a Council resolution to both formalise access to the property.</p>
Whether the planning proposal is consistent with council's community plan or other local strategic plan	<p>Local Strategic Planning Statement 2040+</p> <p>Under 5.0 Local Planning priorities the priority is to <i>"plan for diverse and affordable housing to meet the needs of our growing and changing community"</i>.</p> <p>The proposed LEP for Item 2 will help contribute to this priority by the facilitation and provision of additional housing stock to the housing supply within the Maitland LGA. The proposed LEP will contribute to the Urban Development Program (UDP) that are one of the key actions of the program.</p> <p>Maitland Local Strategic Plan 2040</p> <p>Under 5.0 Local Planning priorities the priority is to <i>"plan for diverse and affordable housing to meet the needs of our growing and changing community"</i>.</p> <p>The proposed LEP for Item 2 will help contribute to this priority by the facilitation and provision of additional housing stock to the housing supply within the Maitland LGA. The proposed LEP will contribute to the Urban Development Program (UDP) that are one of the key actions of the program.</p>
A summary of council's interest in the land including how the land was first	Folio Lot 1538 of DP 832922 (28/9/2001) (attached)

<p>acquired, owners' consent if Council is not the landowner and the nature of any trusts, dedications etc.</p>	<p>1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)  2 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:  DP263110 EASEMENT TO DRAIN WATER  DP703278 EASEMENT TO DRAIN WATER DP719518  EASEMENT TO DRAIN WATER  DP807086 EASEMENT TO DRAIN WATER  DP811399 EASEMENT TO DRAIN WATER  3 5967131 EASEMENT FOR DRAINAGE OF SEWAGE AFFECTING THE PART DESIGNATED (A) IN DP269213</p> <p>Certificate of Title 1538/832922 issued 28/9/2001 (attached)</p> <p>Folio Lot 848 of DP 703278 (26/6/1984) identified as a public reserve as part of subdivision Lot 765 DP 264106 on 20<sup>th</sup> January 1984.</p> <p>1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)  2 DP263110 EASEMENT TO DRAIN WATER APPURTENANT TO THE LAND ABOVE DESCRIBED  3 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING UNAUTHORISED DEALINGS WITH PUBLIC RESERVES  4 DP703278 EASEMENT FOR WATERMAIN AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM  5 DP703278 RIGHT OF CARRIAGEWAY4 WIDE AND VARIABLE AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM 6 DP703278 RIGHT OF CARRIAGEWAY 6 WIDE AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM  7 DP703278 EASEMENT FOR UNDERGROUND POWER CABLES AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM</p>
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	<p>Folio Lot 8884 of DP 786883 – Historical Search (attached) Old System was dedicated to Council as part of subdivision of Lot 882 DP 776757 on 23<sup>rd</sup> August 1988. Certificate of Title 8884/786883 issued 3/2/1989 (attached).</p>
Whether any interest in land is proposed to be discharged and if so, an explanation of the reasons why	There is no intention to dispose of this parcel of land.
The effect of the reclassification including any loss of public land, the land ceases to be a public reserve or particular interest.	Council does not have the power to grant a development consent over Community Land for residential vehicle access to a non-Council owned property under the Local Government Act 1993. The effect of the proposed reclassification will enable Council to consider rear access to those properties as a part of development application process to ensure efficient and improved traffic circulation within the area.
Evidence of public reserve status or relevant interests, or lack of thereof applying to the land such as electronic title searches, government gazette, trust documents	<p>Folio Lot 1538 of DP 832922 (28/9/2001) (attached)</p> <p>1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)  2 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:  DP263110 EASEMENT TO DRAIN WATER  DP703278 EASEMENT TO DRAIN WATER DP719518  EASEMENT TO DRAIN WATER  DP807086 EASEMENT TO DRAIN WATER  DP811399 EASEMENT TO DRAIN WATER  3 5967131 EASEMENTS FOR DRAINAGE OF SEWAGE AFFECTING THE PART DESIGNATED (A) IN DP269213</p> <p>Certificate of Title 1538/832922 issued 28/9/2001 (attached)</p>

	<p>Folio Lot 848 of DP 703278 (26/6/1984) identified as a public reserve as part of subdivision Lot 765 DP 264106 on 20<sup>th</sup> January 1984.</p> <p>1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)  2 DP263110 EASEMENT TO DRAIN WATER APPURTENANT TO THE LAND ABOVE DESCRIBED  3 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING UNAUTHORISED DEALINGS WITH PUBLIC RESERVES  4 DP703278 EASEMENT FOR WATERMAIN AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM  5 DP703278 RIGHT OF CARRIAGEWAY4 WIDE AND VARIABLE AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM 6 DP703278 RIGHT OF CARRIAGEWAY 6 WIDE AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM  7 DP703278 EASEMENT FOR UNDERGROUND POWER CABLES AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM</p> <p>Folio Lot 8884 of DP 786883 – Historical Search (attached) Old System was dedicated to Council as part of subdivision of Lot 882 DP 776757 on 23<sup>rd</sup> August 1988. Certificate of Title 8884/786883 issued 3/2/1989 (attached).</p>
Current use of the land	Currently the land is part of an access handle to A & D Lawrence Reserve.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls	There are no proposed lease agreements over the subject site.
Current or proposed business dealings either to sell or lease the land, the basic details of any such agreements and if	There are no other business dealings or undertake any future rezoning over the subject site.



relevant council intends to realise the assets either immediately after rezoning / reclassification or at a later time.	
Any rezoning associated with the reclassification and if yes demonstrate consistency with the relevant Plan of Management (POM).	There is no rezoning associated with the reclassification proposal.
How council may or will benefit financially and if so, how will these funds be used.	There is no financial benefit for Council. The intent is for the issuing of GTA from NSW Bushfire as part of the relevant DA to upgrade the access handle at no cost to Council.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification	No funds are to be received as it will be works in kind delivering the better access way and safer entry for the community.
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.	An amendment to the MLEP 2011 Land Reclassification (Part Lots) Map RPL 006A.
Preliminary comments by a relevant government agency that dedicated the land to council.	No formal consultation with State and Commonwealth public authorities has been undertaken for this planning proposal.