

## Reclassification of Public Land

### FACT SHEET

#### WHAT IS PUBLIC LAND AND DOES IT NEED TO BE CLASSIFIED?

Public Land is defined in the *Local Government Act 1993* (LG Act) as any land vested in or under Council control. Council is required to classify public land as either 'community' or 'operational' land.

#### WHAT IS COMMUNITY AND OPERATIONAL LAND?

Community land is land that Council makes available for use by the general public, for example, park reserves or sport grounds.

Operational land is land which facilitates the functions of Council and may not be open to the public, for example, a works depot or council garage. It has no special restrictions other than those that may apply to any piece of land.

#### WHEN DOES CLASSIFICATION AND RECLASSIFICATION OCCUR?

Classification of public land occurs when it is first acquired by Council and classified as either community or operational. Reclassification of public land occurs when its classification needs to be changed.

#### WHY DOES RECLASSIFICATION OCCUR?

Reclassification may occur due to a range of reasons. For example:

- there is no actual public use of the land;
- to deliver Council's strategic asset management of these sites to meet current and future community needs;
- incorrect classification at the time when classification process was introduced; and
- to correctly classify Council land that has a pure operational focus and function.

#### HOW IS PUBLIC LAND CLASSIFIED OR RECLASSIFIED?

Depending on the circumstances, section 27 of the LG Act specifies two pathways, by either:

- Council resolution under section 31, 32 or 33 of the LG Act; or
- an LEP (Planning Proposal) under the *Environmental Planning Assessment Act 1979*.

A general summary of the reclassification process via Planning Proposals is provided in **Attachment 1**.

#### WHAT PUBLIC CONSULTATION IS INVOLVED?

##### Public Exhibition

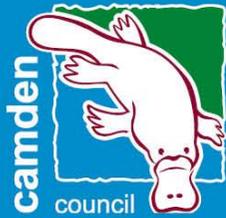
The Planning Proposal is exhibited for a minimum period of 28 days unless otherwise stated by the Gateway Determination.

##### Public Hearing

Under section 29 of the LG Act, Council is required to hold a public hearing for any reclassification of public land from community to operational. The Public Hearing is facilitated by an Independent Chair and is held at least 21 days after the close of public exhibition. Subsequently, a Public Hearing Report is prepared by the Chair and made publicly available within four (4) business days of the report being provided to Council.

#### FURTHER INFORMATION

The Department of Planning and Environment has published a practice note (PN 16-001) on the Classification process. This can be accessed from their website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) under the "Local Planning and Zoning Resources" tab.



## Attachment 1 - General Summary of Reclassification Process- Community Land to Operational Land

