

Public Land Reclassification “Community” to “Operational”

*Our Place...
Our Future*

In the draft Lithgow Local Environmental Plan (LEP) 2013, Council proposes to reclassify 90 Council owned/controlled public land sites from a ‘community’ to ‘operational’ classification. This fact sheet provides an explanation of the land reclassification process within the draft Lithgow LEP 2013.

What is the difference between Community Land and Operational Land?

Community land – Council owned land which should be kept for use by the general public, such as a public park. The use and management of community land is 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 of Council functions or land which may not be open to the general public, such as a works depot.

What is the purpose of classifying land as Community or Operational Land?

Council is required by the Local Government Act 1993 (LG Act) to classify all land vested in it as either ‘community’ or ‘operational’. Land automatically becomes ‘community’ land if it is not otherwise classified within 3 months of being acquired by Council. The purpose of classification is to identify land that should be kept for use by the general public (community), such as parks, and land which need not (operational), such as a depot or sewage treatment plant.

The underlying principle of classification is that it determines the ease or difficulty with which Council can have dealings in public land, including selling, leasing or licensing. It also provides transparency in Council dealings with public land and provides a platform for strategic asset management of these sites.

Reclassification of public land?

Reclassification of public land refers to the process of changing the classification of land from ‘operational’ to ‘community’, or from ‘community’ to ‘operational’. Changing the classification of ‘community’ land to ‘operational’ land is generally required to be done through the Local Environmental Plan process.

Council proposes to reclassify 90 properties under the draft Lithgow LEP 2013. These reclassifications are being undertaken consistent with the Department of Planning & Infrastructure’s LEP Practice Note PN 09-003 – Classification and reclassification of public land through a local environmental plan, which can be viewed at: www.planning.nsw.gov.au/lep/pdf/pn09_003_lep_classification.pdf.

The reason for the proposed reclassification is driven by the need to ensure contemporary and community held objectives and outcomes for public land are achieved and achievable within the framework established by the 1993 Local Government Act.

The fundamental parameters that have underpinned the proposed reclassifications include:

1. Where there appears to be no actual public use of the land and or no ongoing need to consult or involve the community in the continued management of the land.
2. The Community’s changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities.
3. Council is seeking to maximise the use of its land holdings economically but in balance with the community’s environmental and social priorities.
4. Incorrect classification of Council land around the time of the introduction of the public land classification process.
5. To correctly classify Council land that has a pure operational focus and function.

Details of each of these properties, and the reason for their reclassification are contained in a "Reclassification Information Sheet" which can be viewed by clicking on the link below for each locality:

- Ben Bullen
- Capertee
- Clarence
- Dark Corner
- Glen Alice
- Glen Davis
- Lithgow
- Marrangaroo
- Meadow Flat
- Palmers Oakey
- Portland
- Rydal
- Rylstone
- Tarana
- Wallerawang

- You are also able to view the properties proposed for reclassification via the dedicated online mapping site www.lithgow.com/lep/map.html.

Public Hearings

Council is also required to hold a public hearing for any reclassification of public land from community to operational. The public hearing gives the community an opportunity to make submissions to an independent party about the proposed reclassification. As this hearing is required to be held after the completion of the exhibition, Council will provide further information on the timing of the hearing during the draft Lithgow LEP 2013 exhibition period. After the public hearing, a report is to be prepared and presented to Council on the submissions made to the hearing. This report will also be made publicly available.

Have Your Say!

To find out how to become more involved in the Draft Lithgow LEP exhibition, or to find out how to lodge a submission please refer to Fact Sheet "Have Your Say".