

Appendix 1

LEP Practice Note PN 16-001

Classification and reclassification of public
land through a LEP –
Matters to be addressed

NSW Government's Framework – LEP Practice Note

NSW Planning and Environment has published *LEP Practice Note 16-001: Classification and reclassification of public land through a local environmental plan*. This practice note provides guidance on matters to be addressed in Planning Proposals to classify or reclassify public land. The table below addresses these matters and identifies where matters are addressed in this Planning Proposal.

No	Information	Where Addressed
1	The current and proposed classification of the land	Appendix 2
2	Whether the land is a 'public reserve'	The subject lots are not 'public reserve'.
3	The Strategic and site merits of the reclassification and evidence to support this	Background Part 3 Justification
4	Whether the planning proposal is the result of a strategic study or report	Part 3 Justification Section A
5	Whether the planning proposal is consistent with council's community plan or other local strategic plan	Part 3 Justification Section B
6	A summary of council's interests in the land including: <ul style="list-style-type: none">- How and when the land was first acquired- If council does not own the land, the owner's consent;- The nature of any trusts etc.	Appendix 2 Council is the owner of all subject lots
7	Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why	Appendix 2 The lots are subject to a trust for a public purpose (car parking) which are proposed to be discharged. Reasons for this are addressed in, Background Part 3 Justification
8	The effect of the reclassification (particular interests will be discharged)	The reclassification will result in a trust for public purposes (car parking) to be discharged. Part 3 Justification Section D outlines how car parking will be provided on the reclassified sites.
9	Evidence of relevant interests or lack thereof applying to the land (e.g. Electronic title searches, notice in Gov. Gazette, trust documents)	Appendix 2 – Welch Place car park Union Road car park – At Council's Ordinary Meeting on 8 August 1994 and 5 September 1994, Council resolved to purchase 53 and 55 Union Road respectively. Funds to purchase both lots were made available from the

	Penrith CBD s94 car parking fund. The lots were acquired for car parking purposes and deemed to be Community land.
10	<p>Current uses(s) or the land, and whether uses are authorized or unauthorised</p> <p>The current authorised uses at all sites are for car parking.</p>
11	<p>Current or proposed lease or agreements applying to the land, together with their duration, terms and controls</p> <p>There are no current or proposed lease or agreements applying to the land at Union Road car park Details regarding agreements for the Welch Place car park are outlined below.</p>
12	<p>Current of proposed business dealings (e.g. 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 reclassification or at a later time).</p> <p>A current agreement exists for the sale of the Welch Place car park to the adjoining owner of 521 High Street Penrith. The basic details for this agreement include:</p> <p>A Put and Call Option Agreement is in place between Council and the owner of 521 High Street, Penrith, for the sale of the car park. The reclassification to operational, and obtaining DA consent for the construction of a new ramp to the car park, are the two conditions precedent to the completion of the Agreement, and therefore will facilitate the sale of the land accordingly.</p> <p>The agreement for the sale also includes Council contributing 50 percent of the construction costs for the new ramps up to \$400000.</p> <p>The completion of the sale is dependent on the reclassification. Council intends to realise this asset within 12 months of the reclassification occurring.</p> <p>There are no current business dealings with regard to the Union Rd car park.</p>
13	<p>Any rezoning associated with the reclassification</p> <p>No rezoning is proposed with this Planning Proposal.</p>
14	<p>How council may or will benefit financially, and how these funds will be used</p> <p>Council will realise a financial benefit for the sale of Welch Place car park. Funds generated from the sale of the site will be used partly to fund the construction of the new ramps on the site up to \$400000. The remainder of the funds will be allocated to Council's Property Reserve. The Property Reserve is primarily used to generate a dividend through the acquisition of new investments. The dividend created by these investments provides a sustainable long-term funding source for infrastructure upgrades and new services and facilities for the Penrith Community.</p>
15	<p>How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant</p> <p>This Planning Proposal does not commit funds to proposed open space sites or improvements.</p>

16	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	No applicable. The land to be classified applies to the whole lot.
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17	Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable	Part 3 Section D Appendix 2 – Land was acquired by purchase from private owners.
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