

ATTACHMENT 2

Site 1 – 27 Garden Avenue, Raymond Terrace (Lot 279 DP 740009)

Reclassification of public land from community to operational land

Description

The subject site is a public reserve that has been identified as being surplus to Council's needs. It is proposed to reclassify the land from community to operational land in order to provide for the sale and subsequent development of the land. The reclassification of land will revoke the public reserve status of the land.

The site is proposed to be rezoned to R2 Low Density Residential in the Port Stephens Local Environmental Plan 2013 (final draft version adopted by Council on 26 March 2013).

The site is within an existing residential neighbourhood with good access to services. Existing road and social infrastructure has capacity to cater for the development of the site. The land is serviced with water, sewer and telecommunication services.

The proposal will not reduce the availability of usable open space in the area to below Council standards. There is open space around 400 metres away in the form of a 6000m² park with playground equipment. There is adequate open space in this area to meet Council open space standards, and the site is not required for recreational purposes.

Site Description

The site is located in a suburban area in the suburb of Raymond Terrace in the Port Stephens Local Government Area. The site is 2016 square metres in area and has a frontage of 21.9 metres to the cul de sac head of Garden Avenue. The shape of the site approximates a rectangle. The site is located in a residential neighbourhood, and adjacent residential lots to the northwest, south and southwest are occupied by single storey detached dwellings. To the north of the site is land which has the appearance of "pasture" and which is zoned 7(c) Environmental Protection (Water Catchment). To the east of the site is the Pacific Highway bypass. The bypass is buffered from the site by a timber acoustic wall. Little road noise was apparent during a site inspection. A landscaped strip of planted native trees separates the acoustic wall from the bypass carriageway.

The site has a very gentle slope. It is covered by grass with a very small number of shrubs.

The site appears to be mainly used by a neighbouring property for the parking of vehicles and the storage of items, such as pallets. No recreational use of the land is apparent.

The site does not appear to be of ecological significance. Council's Conservation Assessment Tool scores the Planning Unit within which the site is located as 37 or very low conservation significance

The land:

- Is vegetated by grass
- Is not bushfire prone
- Is wholly within the ANEF 2012 20-25; partially within the ANEF 2025 20-25 and 25-30 aircraft noise contours and wholly within the draft ANEC 2025 (Sept 2010) 20-25 contour.
- Is not flood prone
- Is categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.

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- Is adjacent to land zoned for residential and other development permissible in a 2(a) Residential A zone.
- Is classified "Class 5" for acid sulfate soil (works within 500m of an adjacent class)
- Has community land nearby for informal recreation

Current classification

The site is classified as Community Land and categorised as General Community Use.

Current zoning

It is zoned 6(a) General Recreation under the Port Stephens Local Environmental Plan 2000. The surrounding land to the south and west is zoned 2(a) Residential A, to the north is zoned 7(c) Environmental Protection (Water Catchment), and to the east is unzoned road, and beyond, 2(a) Residential A.

Reasons why Council acquired an interest

The site appears to have been transferred to Council on 29 January 1986 during the subdivision of the land for residential development. The precise reasons for the acquisition of the site are unclear.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the proposed disposal of the land. Council would achieve minor operational cost savings from no longer maintaining the land. The 2010 Notice of Valuation by the Valuer-General states that the value of the land is \$130,000.

Related asset management objectives

The rezoning and reclassification, and proposed disposal of the land is consistent with Council's asset management and policy framework for open space.

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to revoke the public reserve status applying to the site.

A justification/ explanation as to why such interests are being extinguished

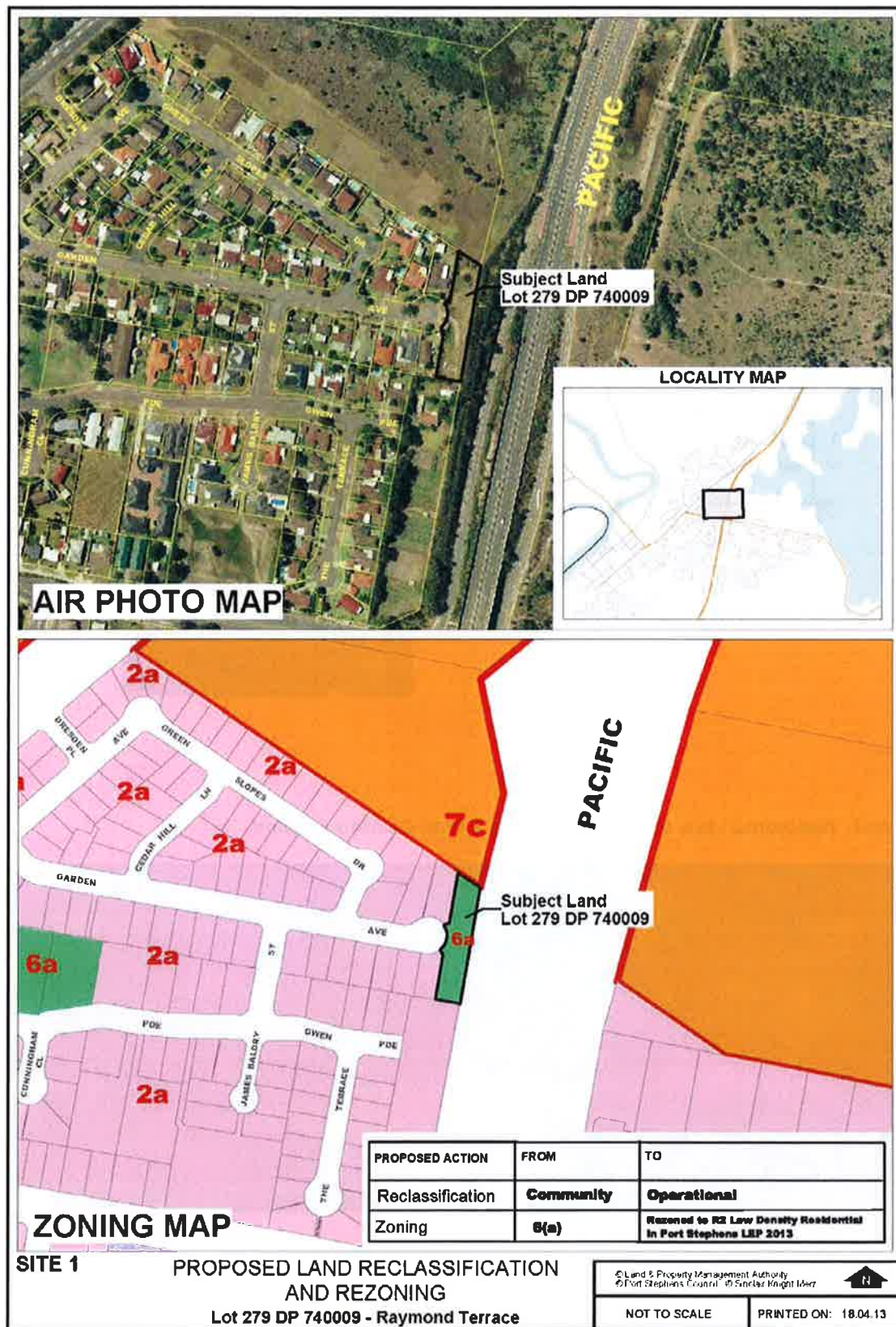
The site is not required to be community land to fulfil its proposed purpose and it is proposed to reclassify the site as operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

No. The Draft Port Stephens Local Environmental Plan 2013 (final version adopted by Council on 26 March 2013) proposes to rezone both sites from 6(a) Recreation General 'A' to R2 Low Density Residential.

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Figure 1: Extract from the title plan of Lot 279 DP 740009



Figure 2: Aerial photograph showing surrounding dwellings, bypass landscape treatment, and vehicle parking on the site.



Figure 3: Panorama view of the Site, looking E from Garden Avenue



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Figure 4: Site, looking S, showing materials stored on the site, acoustic wall to the left, neighbouring dwellings to the right (W) and in the distance.



Figure 5: Site, looking N, showing acoustic wall to the right (E), neighbouring dwelling to the left (W) and rural land in the distance.



ATTACHMENT 2

Site 2 - 9 Rosemount Drive Raymond Terrace (Lot 5 DP 261238)

Reclassification of public land from community to operational land

Description

The subject site is a public reserve that has been identified as being surplus to Council's needs. The site is zoned 2(a) Residential 'A'. It is proposed to reclassify the site from community land to operational land in order to provide for the sale and subsequent development of the land.

The site is within an existing residential neighbourhood with good access to services. Existing road and social infrastructure has capacity to cater for the development of the site. The land is serviced with water, sewer and telecommunication services.

The locality is supplied with open space in excess of Council's standards. The nearest community land is 160 metres to the west, off Osterley Close. This community land connects to a substantial drainage reserve which forms part of an open space network. There are also other areas of community land for general recreation nearby. The site is not used for recreational purposes.

Site Description

The subject land is located in a residential area in the suburb of Raymond Terrace. It is zoned 2(a) Residential A under the Port Stephens Local Environmental Plan 2000. The site is cleared and is covered by short grass and bare ground. The site and the surrounding lands are relatively flat. It is 640 square metres in size, and contains a drainage easement 3 m wide along the northern and eastern boundaries of the site.

The adjacent lots to the north and south are occupied by detached residential dwellings. The site fronts Rosemount Drive to the west, and beyond, detached dwellings fronting the other side of Rosemount Drive. To the east is a landscaped strip associated with the Pacific Highway bypass consisting of canopy trees and a shrub understorey 60 m wide. Further to the east, within the landscape strip, a mounded noise barrier protects the neighbourhood from noise created by vehicles using the Pacific highway bypass.

The site appears to be regularly used for parking by heavy vehicles, which is probably the cause of the partial grass cover. A heavy vehicle was parked (illegally) on the site at the time of inspection. There was no evidence of recreational use of the site. The south-western corner of the site has a locked gate, which permits access to the landscape strip. It is understood that this gate was used to obtain access during the construction of the highway bypass, and is no longer used by the RTA.

The land:

- Has no significant vegetation
- Is not habitat for endangered species
- Is not bushfire prone
- Is outside of the ANEF 20 aircraft noise contour
- Is not flood prone
- Is categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management
- Is zoned for residential and other development permissible in a Zone 2(a) Residential A zone.
- Is classified "Class 5" for acid sulfate soil
- Has community land nearby for informal recreation
- Has access to urban services and utilities

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Current classification

The site is classified as Community Land and categorised as General Community Use.

Current zoning

The subject land is zoned 2 (a) Residential A.

Reasons why Council acquired an interest

The site appears to have been transferred to Council in 8 September 1986 as a result of the subdivision of the land. The reasons for the acquisition of the site are unclear, although it is shown as being intended to be dedicated as a public reserve at the time of subdivision.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the proposed disposal of the land. In 2010 the Valuer General valued the land at \$89,000. Council would also achieve minor operational cost savings from no longer maintaining the land.

Related asset management objectives

The reclassification and proposed disposal of the land is consistent with Council's asset management and policy framework for open space.

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to remove the restriction to user "to purposes able to be undertaken in a public reserve" pursuant to subclause 43 (2) of the PSLEP, which states:

43 (2): Land described in Columns 1 and 2 of Schedule 1, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified for the land in Column 3 of Schedule 1.

A justification/ explanation as to why such interests are being extinguished

There is no purpose to be served by maintaining the public reserve status of the land.

Any rezoning associated with the reclassification

It is not proposed to rezone the land. It will remain zone 2(a) Residential A.

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MAPS OF SUBJECT LAND



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Figure 1: Site- 9 Rosemount Drive extract from title plan

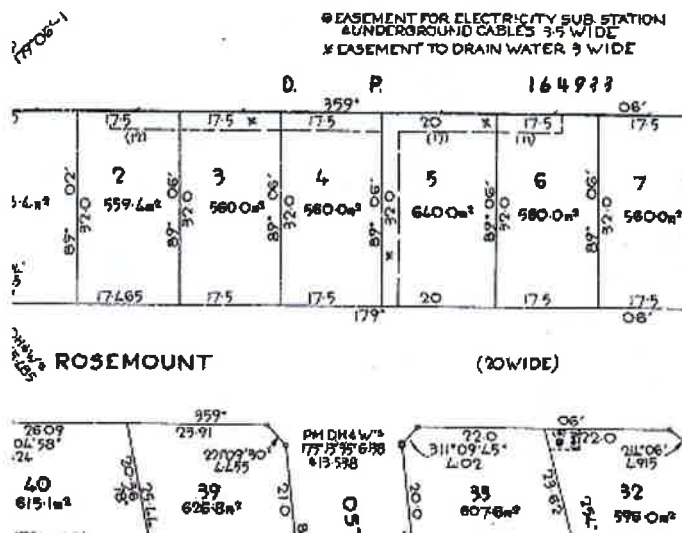


Figure 2: Site- 9 Rosemount Drive



Figure 4: Looking south from the site (site to the left)



Figure 3: Site showing access gate no longer required by the RTA for access to the land to the east (used for construction of the bypass only)



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Site 3 - 1 Sketchley Street Raymond Terrace (Part Lot 1 DP 1093118) Rezoning and reclassification of public land from community to operational land

Description

The site is used as a museum complex operated by a local community heritage organisation. The purpose of the proposal is to rezone the site from public recreation to residential and to reclassify the site from community land to operational land in order to reflect the nature of the activities undertaken on the site; to provide for greater flexibility and certainty in the administration of the lease of the site; and to reflect the zone of the adjacent land in Sketchley Street. Council will retain ownership of the site.

There is sufficient open space nearby, and the site is not required, or currently used, for recreational purposes.

Site Description

The site is located at the intersection of Adelaide Street and Sketchley Street, around 800 metres to the southwest of the Raymond Terrace town centre. The site fronts Sketchley Street, and has a child care centre to the west, a school to the north, Adelaide Street to the east, and a park and residences to the south across Sketchley Street. The site is a parcel of land 922.3 square metres in area.

The significance of the site relates to the historic cottage which was relocated on the land in 1975 and its operation as a museum by the Port Stephens Historical Society. The Council holds the ownership of cottage on behalf of the Historical Society within the terms of a Deed of Trust agreed in 1976. The museum is open to individual and groups during specified hours. The site is secured outside of these times. It is not used for general community recreation.

The site is flat and is occupied by three single storey buildings which form the Museum complex. Two buildings are adjacent to the western and northern boundaries, and one historic timber slab building, "Sketchley Cottage" that is understood to date from around 1840, occupies the centre of the site.

The Sketchley Cottage was donated to the Raymond Terrace Historical Society in 1975 and was relocated from Newline Road Doribank (north of Raymond Terrace) to the subject Council owned site in 1976. The building is vested in trust with Port Stephens Council for the Port Stephens Historical Society. The other buildings on the site have been constructed since 1976 although some components of these structures have been sourced from older buildings.

Sketchley Cottage has been nominated by a community member on behalf of the Port Stephens Historical Society for listing as a heritage item. This listing is being progressed as a separate planning proposal.

There are a number of established trees within the site, and to the east within the Adelaide Street road reserve is a fig which is listed in the Port Stephens Local Environmental Plan as being an item of local heritage significance. The Port Jackson Fig Tree was planted by General Carpenter the head of the Salvation Army in Australia. General Carpenters fore bearers were residents at Miller Forest. It is claimed that the tree was planted to commemorate the commencement of local government in Raymond Terrace. This proposal does not affect the tree or the land upon which it is located.

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The land:

- Is not used for general public recreation
- Does not appear to have endangered ecological communities based on Council's mapping
- Is not bushfire prone
- Is not within the ANEF 2012 20-25; ANEF 2025 25-30 aircraft noise contours.
- Is flood prone.
- Is categorised as "preferred" and "50 m buffer over preferred" under the Port Stephens Comprehensive Koala Plan of Management. A site inspection indicates that this categorisation overstates the significance of the land.
- Is zoned for open space uses and other development permissible in a 6(a) Recreation General zone.
- Is classified "Category 4" for acid sulphate soil (works beyond 2m below natural ground surface)
- The southernmost two thirds of the site is public reserve (former Lot 138 DP 24655)

The land proposed for reclassification and rezoning is Part Lot 1 DP 1093118 ("the site"). DP 1093118 was created by the consolidation of Lot 12 DP 1034823, Lot 138 DP24655 and Lot 1 DP 1087308. A strip of land classified as operational land runs diagonally across the site (the strip of land was formally known as Lot 1 DP 1087308). An extract of the title plan is shown in Figure 1.

Current classification

The site is classified as Community Land and categorised as Urban Park

Current zoning

The site is zoned 6(a) General Recreation under the Port Stephens Local Environmental Plan 2000. It adjoins land zoned 2(a) Residential A to the north, west and southwest, and across Sketchley Street, to the south land zoned 6(a) Recreation General (the balance of DP 1093118).

Reasons why Council acquired an interest

The former Lot 138 appears to have been dedicated as public reserve in 1953. It was originally part of a larger area of land that extends across Sketchley Street, and which is used as public recreational space. The former Lot 1 DP 1087308 is a closed road (1986), and the reason for the acquisition of Lot 12 DP 1034823 is unclear.

Any current agreements over the land

There is no current agreement over the land itself. However, there is a deed of Trust between Council and the Port Stephens Historical Society over the property of the Port Stephens Historical Society located on the land, including Sketchley Cottage.

Financial implications for Council

Council may receive revenue from the lease of the land.

Related asset management objectives

The reclassification and more flexible management of the land is consistent with Council's asset management and policy framework for open space. Council will maintain the existing easement for a sewer main adjacent to the western property boundary of the site.

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Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to revoke the public reserve status applying to the site.

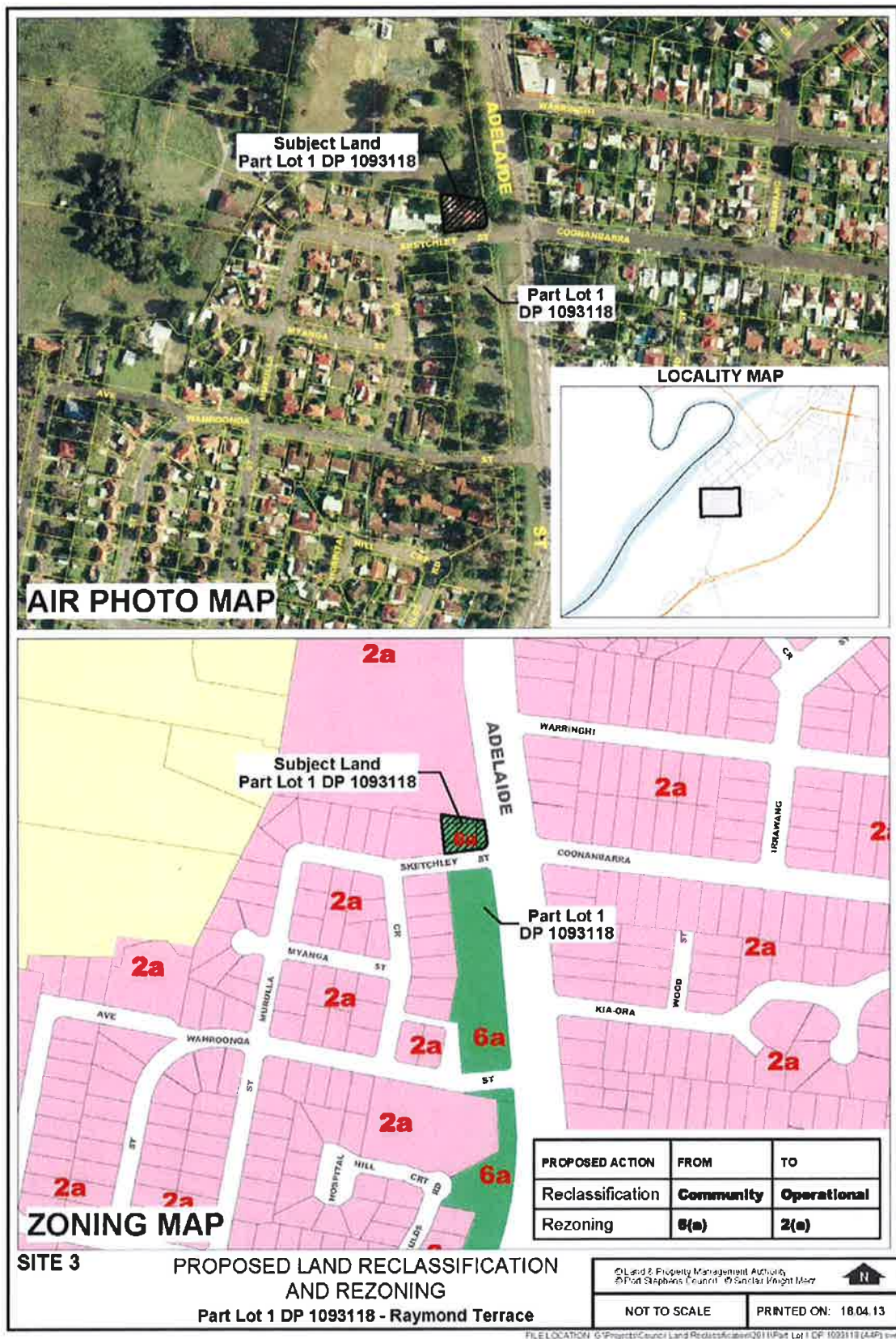
A justification/ explanation as to why such interests are being extinguished

The site is not required to be community land to fulfil its continuing purpose and it is proposed to reclassify the site as operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

It is proposed to rezone the land from public recreation to residential.

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Figure 1: Extract from the Title plan of Part DP 1093118

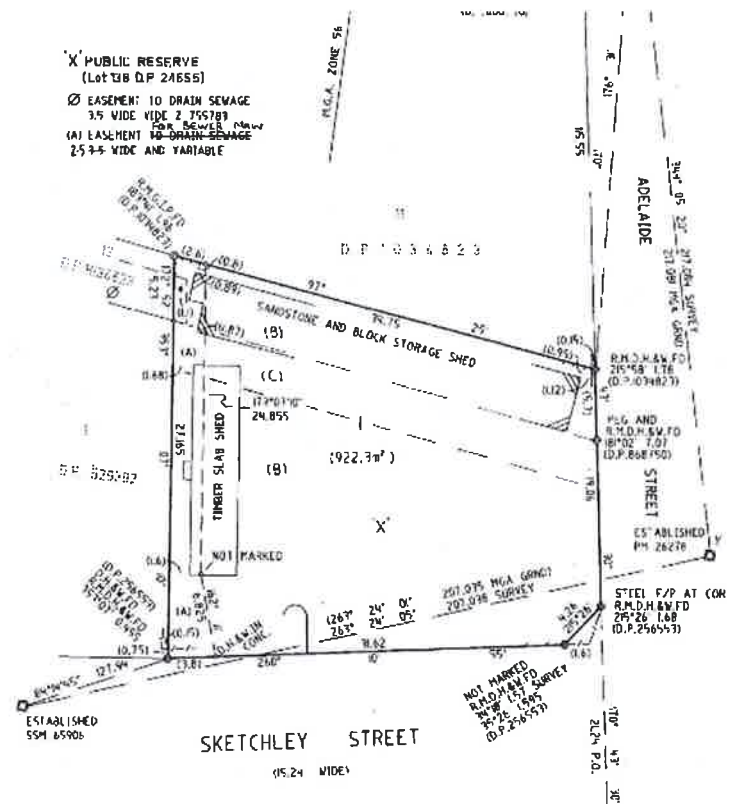


Figure 2: Site- 1 Sketchley Street looking NW



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Figure 3: E boundary of 1 Sketchley Street showing wide footpath and cycleway along Adelaide Street (looking N)



Figure 4: Looking S along Adelaide Street from Sketchley Street, the balance of DP 1093118 is to the right (W) of the drain



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Site 4 - 77 Dawson Road, Raymond Terrace (Part Lot 23 DP843416)

Reclassification of public land only

Description

The site has been identified as being surplus to Council's needs. It is proposed to reclassify the site from community land to operational land in order to provide for the sale and subsequent development of the land. The site is not a public reserve.

The site is within an existing residential neighbourhood with good access to services. Existing road and social infrastructure has capacity to cater for the development of the site. The land is serviced with water, sewer and telecommunication services.

There is sufficient open space nearby, and the site is not required for recreational purposes.

Site Description

The subject land is located in a residential area in the suburb of Raymond Terrace. It is zoned 2(a) Residential A under the Port Stephens Local Environmental Plan 2000.

The site is cleared and is covered by short grass. The site and the surrounding lands are relatively flat with a mild slope downwards from west to east. The land drops to the rear to the open space by about 0.5-1 metre, with a small embankment. The site is 1845 square metres in area or approximately 1468 square metres excluding the 'handle'. It is largely rectangular in shape, with a narrow "handle" running to the north along the eastern boundary of the site. Council's intention is that the "handle" would be consolidated with the open space lot (Lot 139 DP264505) and remain in public ownership.

The adjacent lots to the east and west are occupied by detached single storey residential dwellings. The lots to the west have a low retaining wall along the boundary of the site, resulting in their finished ground level being around 1 metre higher than the site. The site fronts Dawson Road to the south, and beyond, detached dwellings front the other side of Rosemount Drive. To the north lies a large area of open space. The main public access to the open space is less than 100 metres to the east on Dawson Road, where the open space has a large easily accessible frontage to the road.

The grassed surface has no signs of wear, and is likely to be only used for occasional informal recreation. At the time of inspection, a trailer belonging to an adjacent property is (illegally) parked on the eastern side of the site.

The adjacent open space is large (31,913 square metres) and contains a large flat grassed area of playing field dimensions, as well as a playground, BBQ and shelters.

The land:

- Has no significant vegetation
- Is not habitat for endangered species
- Is not bushfire prone
- Is within the ANEF 2012 20-25; ANEF 2025 25-30 and a large majority of the site is within ANEF 25-30 in the 2025 ANEC map dated 1st September 2010.
- Is not flood prone
- Is categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.
- Is zoned for residential and other development permissible in a 2(a) Residential A

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zone.

- Is classified "Class 5" for acid sulphate soil
- Has a large area community land adjacent for informal recreation

Current classification

The site is classified as Community Land and categorised as Urban Park.

Current zoning

It is zoned 2(a) Residential A under the Port Stephens Local Environmental Plan 2000. It adjoins open space at the rear of the site. The adjacent open space is zoned 6 (a) Open Space General Recreation.

Reasons why Council acquired an interest

The site appears to have been transferred to Council on 25 September 1995. It is not clear why Council acquired an interest.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the proposed disposal of the land. The Valuer-General advised in 2010 that the value of the land was \$198,000. Council would also achieve minor operational cost savings from no longer maintaining the land.

Related asset management objectives

The reclassification and proposed disposal of the land is consistent with Council's asset management and policy framework for open space.

Any proposal to extinguish or retain other interests in the land through reclassification

No

A justification/ explanation as to why such interests are being extinguished

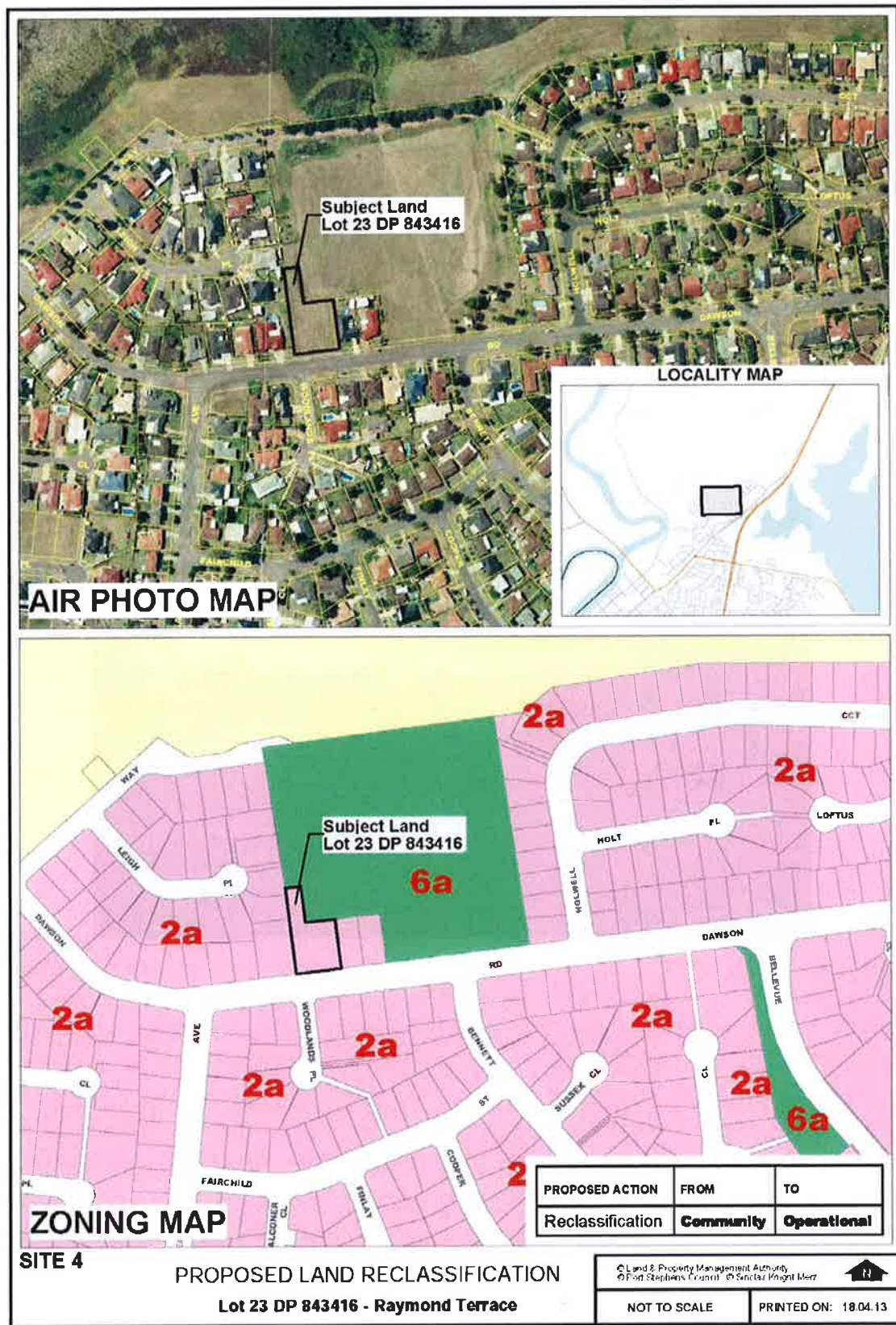
Not applicable

Any rezoning associated with the reclassification

It is not proposed to rezone the land. It will remain in a residential zone.

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MAPS OF SUBJECT LAND



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Figure 1: Lot dimensions of Lot 23 DP 843416

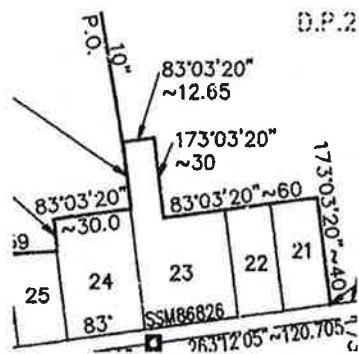


Figure 2: Site- 77 Dawson Road



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Figure 3: Site, looking north, showing properties on the western boundary



Figure 4: Site, looking north, showing adjacent property on the eastern boundary



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Figure 5: Adjacent Open Space including playground, looking northeast



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Site 5 – 20 Enterprise Drive, Tomago (Lot 133 DP 246855)

Reclassification of public land from community to operational land

Description

The site is a public reserve and is undeveloped land. It is proposed to reclassify the land from community land to operational land in order to provide for the sale and subsequent development of the land.

A review of community lands has determined that the land is not required for open space or any other community land related use.

The site is zoned for industrial purposes, and is adjacent to an existing industrial area with good access to services. The land is serviced with road access, water, sewer and telecommunications.

The site is not used for recreational purposes and is not required for future recreational purposes.

Site Description

The subject land is adjacent to a developed industrial area in the suburb of Tomago. It is zoned 4(a) Industrial A under the Port Stephens Local Environmental Plan 2000.

The site is triangular in shape and 2.689 ha in area. It is largely vegetated with mature bushland in very good condition. It contains canopy trees and a well developed understorey. There is little intrusion of human activities other than a narrow cleared area incorporating an unpaved vehicular track running along the northern and south-eastern boundaries. The cleared area along the south-eastern boundary also acts as an APZ for the adjacent industrial premises. A large underground water pipeline also runs along the south-eastern boundary.

Access to the site is from Enterprise Drive, via a 15m wide battleaxe access handle to the land. Much of the "handle" is also well vegetated.

The adjacent land to the south east is occupied by a number of industrial premises, generally consisting of a large metal clad building(s) and a large open area for storage, delivery and parking.

The adjacent land to the north is owned by the Hunter Water Corporation and is undeveloped native bushland in similar condition to that on the subject site. The land to the west is privately owned and has been completely cleared of vegetation in the past but now is partially cleared and partially vegetated with thick lantana.

There is no apparent recreational use of the land, with few tracks evident within the bushland other than the outer perimeter. The peripheral vehicle track appears to be used regularly, but it is not evident for what purpose other than maintenance and inspection. Some industrial premises appear to use the "handle" and the south-eastern vehicular track for access to the rear of their properties, however this appears to be infrequent. There is also a small amount of metal fabrications and the like stored on the site, at the rear of the industrial properties.

The land:

- Does not appear to have endangered ecological communities based on Council's mapping
- Is bushfire prone, Vegetation Category 1 (triangular shaped portion), Buffer (20m strip along southern base of triangle and eastern part of "battleaxe" handle), Vegetation

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category 2 (western part of "battleaxe" handle). Development of the site would require the provision of an APZ to the north and west, within the site

- Is not within the ANEF 2012 20-25; ANEF 2025 25-30 aircraft noise contours.
- Is not flood prone
- Is categorised as "supplementary" or "'mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.
- Is zoned for industrial uses and other development permissible in a 4(a) Industrial A zone.
- Is classified "Category 4" for acid sulphate soil
- Adjoins the HWC Special Area
- Is a public reserve
- Has a score of up to 120 on Councils Conservation Assessment Tool, which is low conservation significance.

Current classification

The site is classified as Community Land and categorised as Natural Area- Bushland

Current zoning

The site is zoned 4(a) Industrial A under the Port Stephens Local Environmental Plan 2000.

Reasons why Council acquired an interest

The site appears to have been transferred to Council in 1974. It is not clear why it was specifically dedicated as public reserve.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the disposal of the land. The 2010 Notice of Valuation from the Valuer General states a value of \$554,000.

Related asset management objectives

The reclassification and proposed disposal of the land is consistent with Council's asset management and policy framework for open space.

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to extinguish the public reserve status of the land.

A justification/ explanation as to why such interests are being extinguished

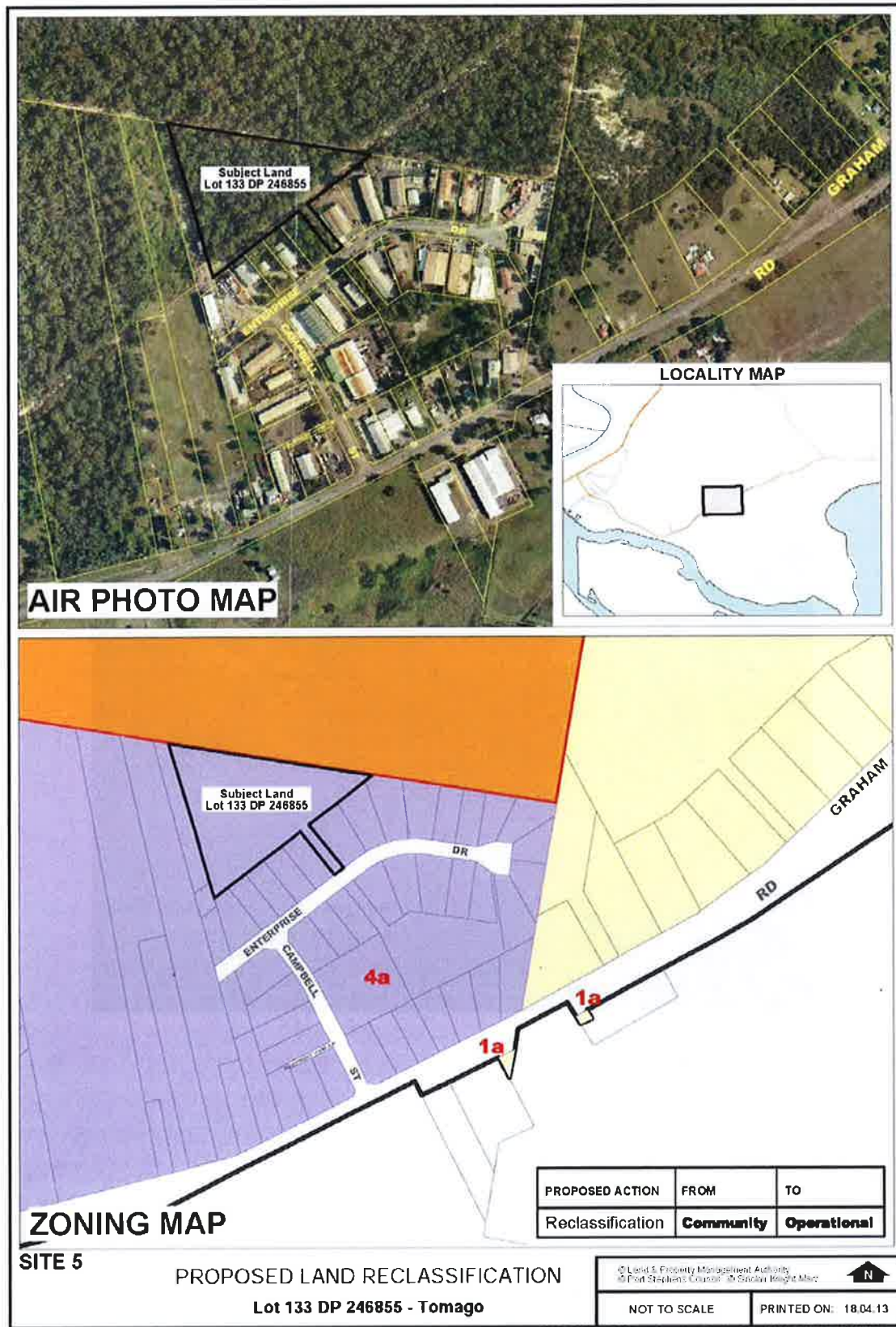
The site is not required for community purposes and it is proposed to reclassify the site was operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

It is not proposed to rezone the land. It will remain zone 4(a) Industrial A

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MAPS OF SUBJECT LAND



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Figure 1: Lot dimensions of Lot 133 DP 246855

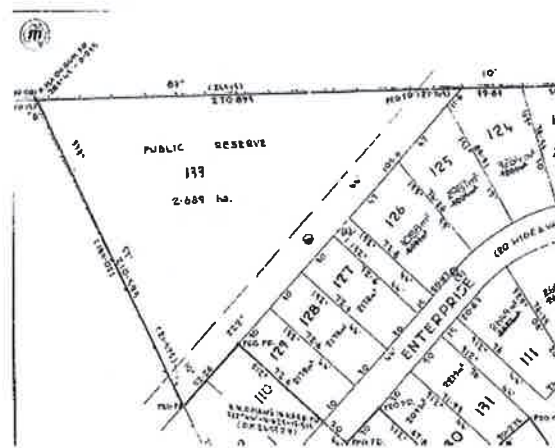


Figure 2: Site- 20 Enterprise Drive



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Figure 3: Looking W along N boundary of the site with HWC land



Figure 4: Lantana growth over previously cleared land to the W of the site



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Figure 5: Unapproved rear entry onto the site.



Figure 6: Unapproved equipment storage on the site.



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Site 6 – 15 Enterprise Drive, Tomago (Lot 132 DP 246855)

Reclassification of public land from community to operational land

Description

The site is a public reserve used as a detention basin for the surrounding subdivision. It is proposed to reclassify the land from community land to operational land to better reflect the current use of the site, and to facilitate increased opportunities to use parts of the site not required for stormwater detention purposes for compatible uses.

The site is surrounded by an existing industrial area with good access to services. The land is serviced with road access, water, sewer and telecommunication services.

The site is not used for recreational purposes and is not required for future recreational purposes.

Site Description

The subject land is surrounded by an industrial area in the suburb of Tomago. It is zoned 4(a) Industrial A under the Port Stephens Local Environmental Plan 2000. The site is irregular in shape with two battleaxe "handles" extending to Enterprise Drive. Access to the site is from Enterprise Drive, via two laneways ("handles"). The westernmost lane is 15 metres wide and the easternmost is 5.4 metres wide.

It is 1.332 ha in size. The site has a large excavated detention basin in its centre. The detention basin is dry most of the time. The basin is surrounded by flat land which is covered by grass and has a number of large mature native canopy trees.

At least one of the neighbouring industrial premises has an unauthorised back access onto the site. It appears that these accesses are used only occasionally. There is a rough unpaved vehicular track in a circuit on the flat land above the basin. This track appears to be used mainly for informal 4WD drive use. This appears to be the sole community use of the land. Other than the drainage basin and associated infrastructure there are no other improvements on the land. The site is surrounded by industrial premises, which generally consist of a large metal clad building(s) and large open areas for storage, delivery and parking.

The land:

- Does not appear to have endangered ecological communities based on Council's mapping
- Is bushfire prone, being partially "vegetation buffer, partially category 2 and partially not bushfire prone.
- Is not within the ANEF 2012 20-25; ANEF 2025 25-30 aircraft noise contours.
- Is flood prone in its eastern third.
- Is categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.
- Is zoned for industrial uses and other development permissible in a 4(a) Industrial A zone.
- Is classified "Category 4" for acid sulfate soil
- Needs to have its drainage and detention basin functions protected.
- Has a low conservation value score (67) on Council's Conservation Assessment Tool.

Current classification

The site is classified as Community Land and categorised as General.

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Current zoning

The site is zoned 4(a) Industrial A under the Port Stephens Local Environmental Plan 2000. It adjoins 4(a) zoned industrial land on all sides.

Reasons why Council acquired an interest

The site appears to have been transferred to Council in 1974. It was dedicated to Council as public reserve as the location of a detention basin as a result of the subdivision of a larger parcel of land. It is not clear why it was specifically dedicated as public reserve.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the proposed leasing or licensing of the land. Council would achieve minor operational cost savings from no longer maintaining part of the land.

Related asset management objectives

The reclassification and proposed leasing or licensing of the land is consistent with Council's asset management and policy framework for open space. Council will retain ownership of the land. The function of the detention basin will be retained.

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to extinguish the public reserve status of the land.

A justification/ explanation as to why such interests are being extinguished

The site is not required for community purposes and it is proposed to reclassify the site as operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

It is not proposed to rezone the land. It will remain in an industrial zone.

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MAPS OF SUBJECT LAND

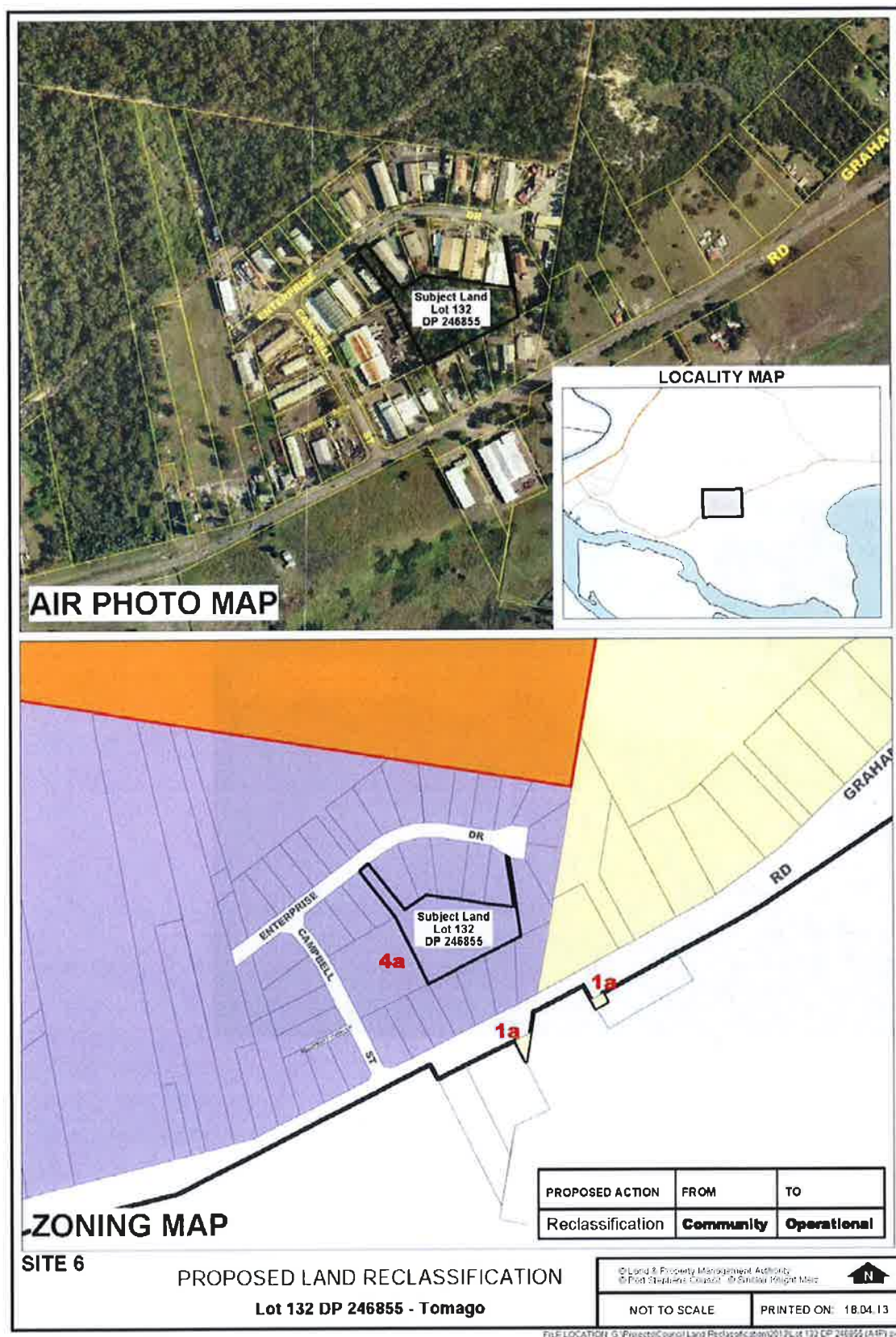


Figure 1: Lot dimensions of Lot 132 DP 246855



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Figure 3: 15 Enterprise Drive looking E (detention basin to the right)



Figure 4: Site- 15 Enterprise Drive looking E (detention basin to the left)



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Figure 5: Unapproved rear entry onto the site.



Figure 6: Western laneway entry to the site from Enterprise Drive.



ATTACHMENT 2

Site 7 - 44 Ferodale Road, Medowie (Lot 10 DP 596640)

Reclassification of public land only

Description

The subject site is occupied by the Medowie Community Centre. It is proposed to reclassify the land from "community land" to "operational land" to provide greater administrative efficiency and flexibility in managing the range of uses and users at the centre. Council will retain ownership of the site.

Council intends to retain community uses at the site, much the same as operates at present. Council does not seek to sell or dispose of the site. Users will enter into hiring agreements, licences and/or leases for part of the Community Centre generally as they do at present. The site is not a public reserve. The remainder of the site is already classified as operational land.

Site Description

The site is located in a suburban area in the suburb of Medowie in the Port Stephens Local Government Area.

The site is zoned 1(c1) Rural Small Holdings. It is generally flat. The east of the site is occupied by a park containing scattered trees, a war memorial, seating and a barbeque. The centre of the site contains a substantial single level community centre and hall in which a wide range of community activities are carried out. The west of the site contains a car parking areas (for use by the community centre), and further west Lots 7 and 8 contain further car parking and woodland with a mown grass understorey.

The site is located in a developing urban area and is in the "town centre".

The adjacent rural small holding lot to the south is occupied by single storey detached dwelling. To the north, across Ferodale Road, are townhouses and detached dwellings on land zoned 2(a) Residential A. To the northwest is the Medowie town shopping centre. Rural small holdings are to the west of the site beyond the Council owned Lots 7 and 8 which are managed as part of the Community Centre site. To the east is Medowie Road.

The land:

- Has around half the site covered by buildings and sealed areas (mainly car parks and internal roads)
- Where vegetated is open mown grass or woodland with a mown grass understorey.
- Is categorised as "vegetation buffer" bushfire prone land in the eastern part, and is not bushfire prone in the western part.
- Is not affected by the ANEF 2012 Or the ANEF 2025
- Is not flood prone
- Under the Port Stephens Comprehensive Koala Plan of Management is categorised "50m buffer over cleared" over the south-eastern half of Lot 10; and is "link over cleared" over the northwestern half of Lot 10.
- Is within a proposed town centre
- Is classified "Class 5" for acid sulfate soil (works within 500m of an adjacent class)

Current classification

The site is classified as Community Land and categorised as General Community Use.

ATTACHMENT 2

Current zoning

It is zoned 1(c1) Rural Small Holdings under the Port Stephens Local Environmental Plan 2000. This zoning will change to an appropriate urban zone as part of the implementation of the Medowie Strategy, but this change is not part of this proposal.

Reasons why Council acquired an interest

The site appears to have been transferred to Council in 1935. The precise reasons for the acquisition of the site are unclear.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

The proposal is unlikely to result in any significant financial implications for Council because existing uses will continue. There will be minor cost savings due to an increase in administrative efficiency.

Related asset management objectives

The reclassification of the land is consistent with Council's asset management and policy framework for open space and community land.

Any proposal to extinguish or retain other interests in the land through reclassification

It is not proposed to extinguish or retain other interests in the land through reclassification. The land is not a public reserve.

A justification/ explanation as to why such interests are being extinguished

Not applicable.

Any rezoning associated with the reclassification

It is not proposed to rezone the land.

ATTACHMENT 2

MAPS OF SUBJECT LAND

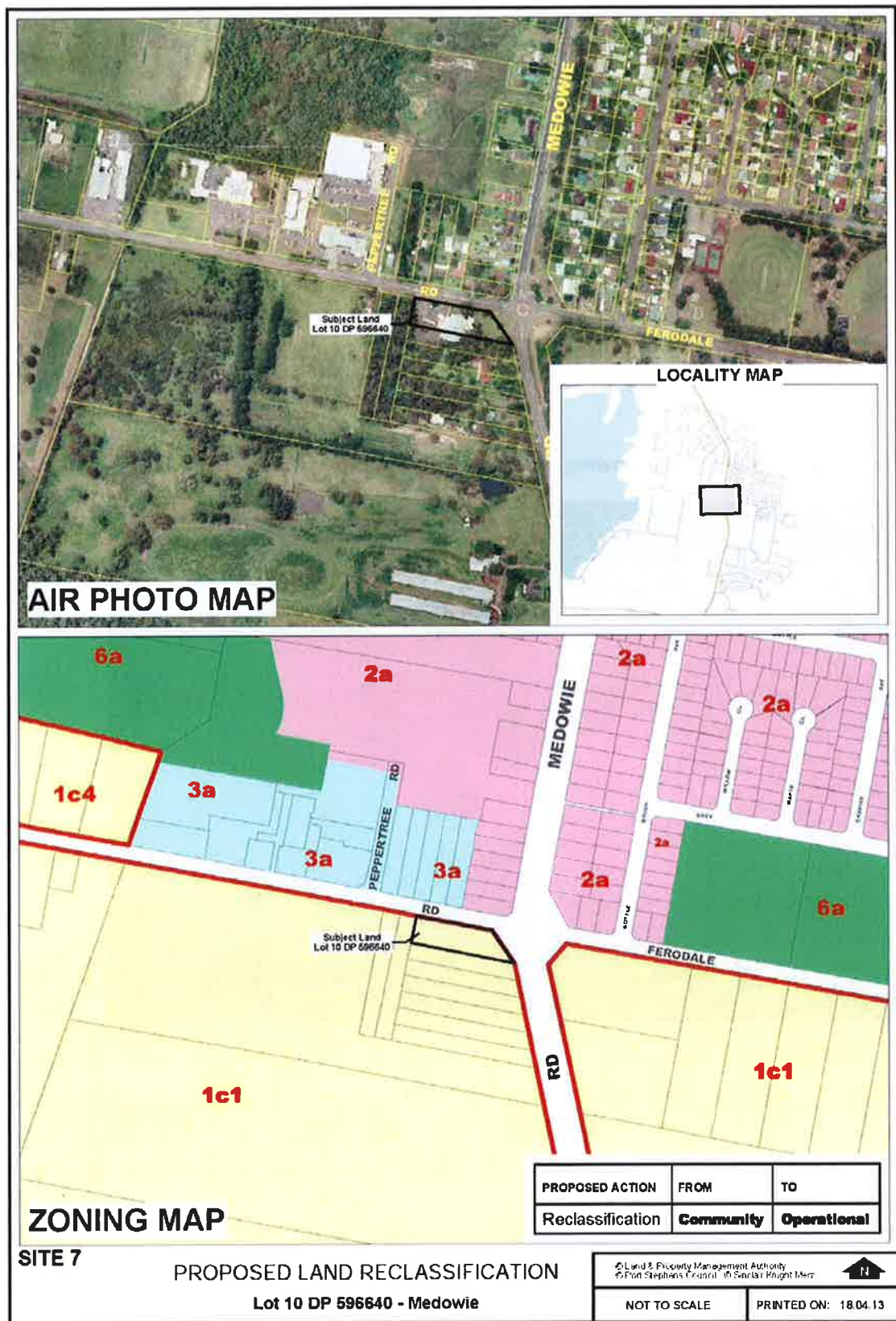


Figure 1: Site layout of Lot 10 DP 596640 (44 Ferodale Road Medowie)

[illegible]

An aerial photograph showing a large, light-colored, multi-winged building complex, likely a school or institutional facility. The building is surrounded by greenery and trees. To the right of the building is a parking lot with several vehicles, including a white van and a white truck. A road with a roundabout is visible in the upper right corner of the image.

ATTACHMENT 2

Figure 3: Site, looking SW from the intersection of Ferodale Road and Medowie Road.



Figure 4: Eastern parkland within the site



ATTACHMENT 2

Figure 5: Medowie Community Centre



Figure 6: Medowie Community Centre looking E across Lots 7 and 8, the western parkland area and car park



ATTACHMENT 2

Figure 7: Medowie Community Centre noticeboard showing the range of users



ATTACHMENT 2

Sites 8 & 9 – 1 Coachwood Drive, Medowie (Lot 38 DP 807956) and 2 Coachwood Drive, Medowie (Lot 39 DP 807956)

Reclassification of public land from community to operational land

Description

The subject sites are public reserves that have been identified as being surplus to Council's needs. It is proposed to reclassify the lands from community to operational land in order to provide for the sale and subsequent potential development of the lands. Both sites are proposed to be rezoned to R2 Low Density Residential under the Draft Port Stephens Local Environmental Plan 2013 (final version adopted by Council on 26 March 2013).

Both sites are within an existing residential neighbourhood with good access to services. Existing road and social infrastructure has capacity to cater for the development of the site. The land is serviced with water, sewer and telecommunication services.

There is sufficient open space nearby, and the site is not required for recreational purposes.

Site Description

Both sites are located in a suburban area in the suburb of Medowie in the Port Stephens Local Government Area.

1 Coachwood Drive, Medowie (Lot 38 DP 807956) is 294.4 square metres in area and has a frontage to the intersection of Coachwood Drive and Ferodale Road. At the intersection, Ferodale Road curves to the south, leading to a widened footpath along the Ferodale Street frontage, as is evident from the aerial photograph. The shape of the site approximates a triangle.

The site is located in a residential neighbourhood, and adjacent residential lots to the north and west are occupied by single storey detached and double storey duplex dwellings respectively.

The site slopes gently upwards to the west. It has a number of large native trees and minimal understorey. Minor dumping of garden refuse was evident at the time of inspection. There was no indication of recreational use.

2 Coachwood Drive, Medowie (Lot 39 DP 807956) is 377.1 square metres in area and has a frontage to the intersection of Coachwood Drive and Ferodale Road. The shape of the site approximates a triangle.

The site is located in a residential neighbourhood, and adjacent residential lot to the northeast is occupied by single storey detached dwelling. To the south is an "access way" which is Council owned land zoned 2(a) Residential A and vacant, providing gravelled vehicular access to a Hunter Water Corporation pumping station and containing a minor stormwater drainage channel. Further to the south is a large lot rural residential area with detached dwellings.

The site slopes gently downwards to the east. It has a number of large native trees and partial understorey, part of the site is open mown grass. There was no indication of recreational use.

ATTACHMENT 2

Both sites:

- Are vegetated by remnant native vegetation (mainly regrowth), minor understorey and grass, but do not contain ecologically endangered communities.
- Are categorised as "vegetation buffer" bushfire prone land
- Are not affected by the ANEF 2012 20-25; but are within the ANEF 2025 20-25 aircraft noise contours.
- Are not flood prone
- Are categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.
- Are adjacent to land zoned for residential and other development permissible in a 2(a) Residential A zone.
- Are classified "Class 5" for acid sulfate soil (works within 500m of an adjacent class)
- Have community land nearby for informal recreation
- Council's Conservation Assessment Tool scores the Planning Unit within which the lands are located as 37 or very low conservation significance

Current classification

The sites are classified as Community Land and categorised as General Community Use.

Current zoning

The sites are zoned 6(a) General Recreation under the Port Stephens Local Environmental Plan 2000. The surrounding land is zoned 2(a) Residential A.

Reasons why Council acquired an interest

The sites appear to have been dedicated to Council in 31 December 1991. The precise reasons for the acquisition of the lands are unclear.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the proposed disposal of the land. Council would achieve minor operational cost savings from no longer maintaining the land. The 2010 Notice of Valuation by the Valuer-General states that the value of the land as open space is \$25,000 and \$33,100 respectively. It should be noted that under the Port Stephens Local Environmental Plan 2000, the lots are too small for the development of a dwelling to be permissible. Accordingly, the lands only have potential value for this purpose if acquired by, and consolidated with, either of the adjacent lots.

Related asset management objectives

The rezoning and reclassification, and proposed disposal of the land is consistent with Council's asset management and policy framework for open space.

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to revoke the public reserve status applying to the site.

ATTACHMENT 2

A justification/ explanation as to why such interests are being extinguished

The site is not required to be community land to fulfil its proposed purpose, and it is proposed to reclassify the site as operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

No. The Draft Port Stephens Local Environmental Plan 2013 (final version adopted by Council on 26 March 2013) proposes to rezone both sites from 6(a) Recreation General 'A' to R2 Low Density Residential.

ATTACHMENT 2

MAPS OF SUBJECT LAND



ATTACHMENT 2

Figure 1: Lot 38 DP 807956 1 Coachwood Drive Medowie and Lot 39 DP 807956 2 Coachwood Drive Medowie



Figure 2: Aerial photograph showing surrounding dwellings



Figure 3: Lot 38, looking NW from the intersection of Ferodale Road and Coachwood Drive.



ATTACHMENT 2

Figure 4: Lot 38, looking N, showing vegetation and dumped garden refuse



Figure 5: Lot 39, looking SE from Coachwood Drive.



ATTACHMENT 2

Figure 6: Lot 39, looking NE, from the intersection of Ferodale Road and Coachwood Drive



Figure 7: Looking E from the intersection of Ferodale Road and Coachwood Drive, Lot 39 is to the left (N), the Council owned access way in the centre and the rural residential properties to the right (S).



ATTACHMENT 2

Site 11 - 1 Lyndel Close, Soldiers Point (Lot 109 DP 243096)

Rezoning and Reclassification of public land from community to operational land

Description

The site is a public reserve that has been identified as surplus to Council's needs. It is proposed to rezone the land from public recreation to residential and to reclassify the land from community land to operational land in order to provide for the sale and subsequent development of the land.

The site is within an existing residential neighbourhood with good access to services. Existing road and social infrastructure has capacity to cater for the development of the site. The land is serviced with water, sewer and telecommunication services.

The proposal will not reduce the availability of usable open space in the area to below Council standards. There is open space nearby in the form of foreshore parkland within 300 metres, with a playground within 400 metres. The site is not required for recreational purposes.

Site Description

The site is located in a suburban area in the suburb of Soldiers Point in the Port Stephens Local Government Area. The site is elevated, but not at the high point of a ridge. The surrounding area is residential and generally consists of single and double storey detached dwellings. The site is a corner lot, bordered on two sides by Lyndel Close and Vista Avenue. Lot 108 on the eastern side is owned by the Hunter Water Corporation and provides paved vehicular access to a water reservoir.

Lot 51 adjoins the site to the south and is occupied by a double storey detached dwelling. Landscaping and car parking related to Lot 51 appear to have occupied part of the site. In part, the site gives the appearance of being an extension of the landscaping/gardens of Lot 51.

The site has an area of 505.9 sq. m and is mainly covered by short well mown grass with a number of mature canopy trees. There are a number of garden beds containing a mixture of native and exotic shrubs. The site slopes upwards towards a developed residential lot to the south, and also slopes downwards from east to west.

The land:

- Has a mixture of native and exotic vegetation, which is relatively isolated from other large areas of native vegetation (i.e. it does not form part of a biodiversity corridor)
- Is not habitat for endangered species
- Is not bushfire prone
- Is not within the ANEF 2012 20-25; ANEF 2025 25-30 aircraft noise contours.
- Is not flood prone
- Is categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.
- Is surrounded by land zoned for residential and other development permissible in a 2(a) Residential A zone.
- Is classified "Class 5" for acid sulfate soil (works within 500m of an adjacent class)
- Has a large area community land nearby for informal recreation

ATTACHMENT 2

Current classification

The site is classified as Community Land and categorised as General Community Use.

Current zoning

It is zoned 6(a) General Recreation under the Port Stephens Local Environmental Plan 2000. The surrounding land is zoned 2(a) Residential A.

Reasons why Council acquired an interest

The site appears to have been transferred to Council on 4 August 1972 during the subdivision of the land for residential development. The precise reasons for the acquisition of the site are unclear.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the proposed disposal of the land. Council would achieve minor operational cost savings from no longer maintaining the land. The 2010 Notice of Valuation by the Valuer-General states that the value of the land as open space is \$15,100.

Related asset management objectives

The rezoning and reclassification, and proposed disposal of the land is consistent with Council's asset management and policy framework for open space

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to revoke the public reserve status applying to the site.

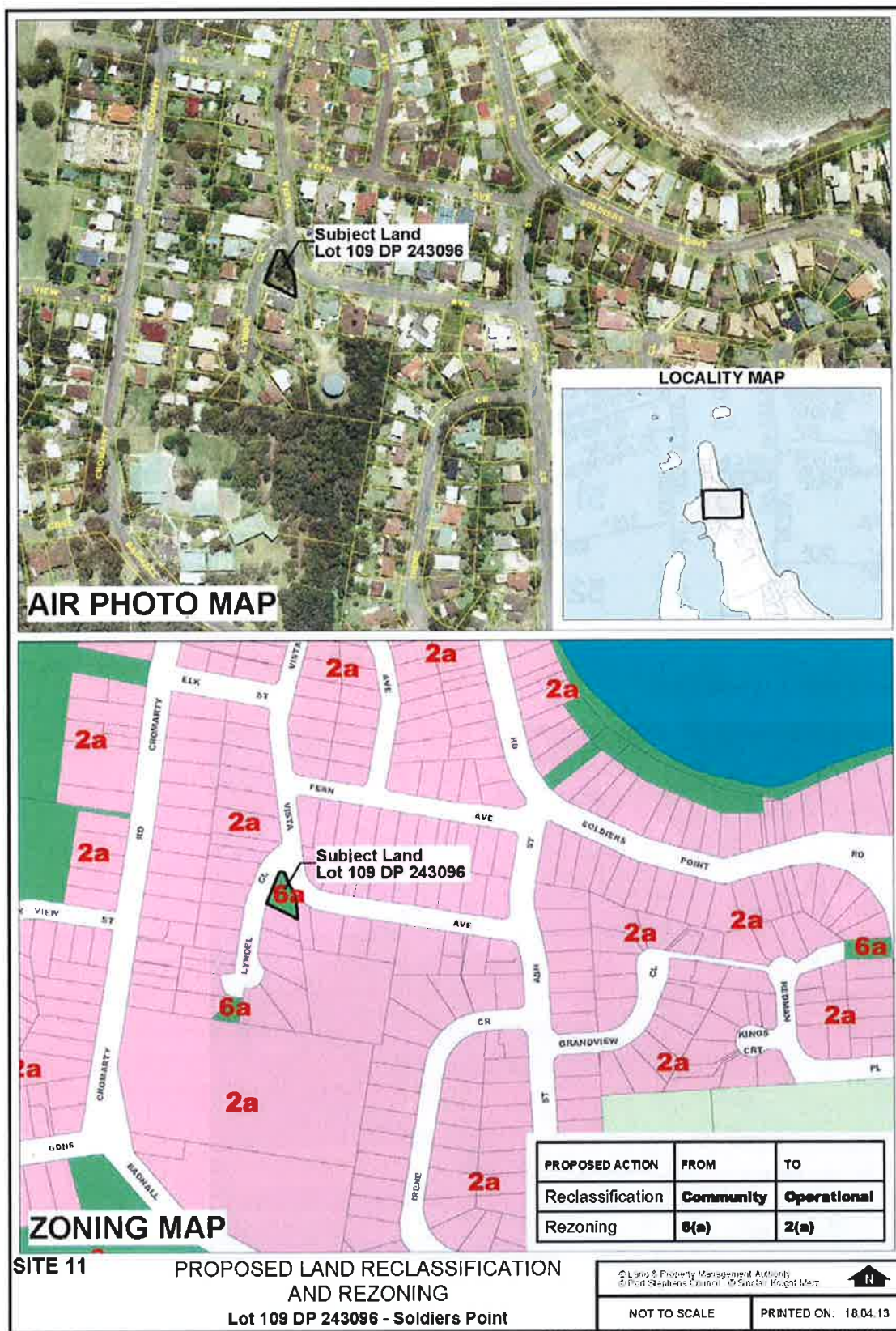
A justification/ explanation as to why such interests are being extinguished

The site is not required to be community land to fulfil its proposed purpose and it is proposed to reclassify the site as operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

It is proposed to rezone the land from public recreation to residential.

ATTACHMENT 2
MAPS OF SUBJECT LAND



ATTACHMENT 2

Figure 1: Extract from the title plan of Lot 109 DP 243096 (1 Lyndel Close Soldiers Point)

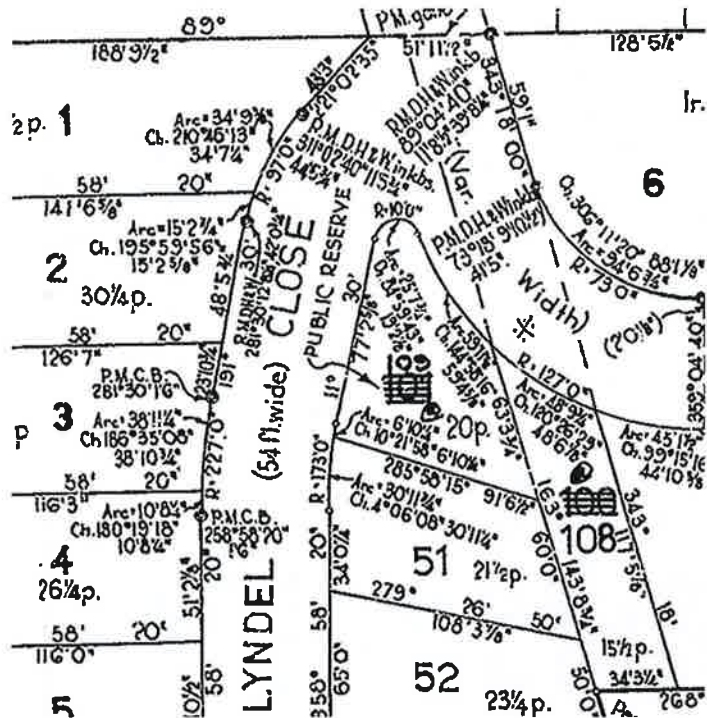


Figure 2: Site- 1 Lyndel Close



ATTACHMENT 2

Figure 3: Site, looking west, showing the paved area of Lot 108 and the dwelling on Lot 51 to the left



Figure 4: Western part of the site showing the boundary with Lot 51 and landscaped garden beds



ATTACHMENT 2

Site 12 - 8 Garuwa Street, Fingal Bay (Lot 22 Section 15 DP 241918)

Reclassification of public land from community to operational land

Description

The subject site is a public reserve that has been identified as being surplus to Council's needs. It is proposed to reclassify the site from community land to operational land in order to dispose of the site to facilitate residential development.

The site is within an existing residential neighbourhood with good access to services. Existing road and social infrastructure has capacity to cater for the development of the site. The land is serviced with water, sewer and telecommunication services.

The proposal will not reduce the availability of usable open space in the area to below Council standards. There is open space nearby in the form of foreshore parkland within 450 metres, and a playground within 400 metres. The coastal reserve also provides informal recreation opportunities with public access located 150 metres from the site. The site is not required for recreational purposes.

Site Description

The site is located in a suburban area in the suburb of Fingal Bay in the Port Stephens Local Government Area. The site has an area of 929.5 square metres. The footpath area in front of the site slopes steeply upwards from Garuwa Street, and the slope becomes less from the property boundary of the site to the middle of the site where there are a number of flat terraced areas, and then the slope becomes greater towards the rear boundary. Because of the subdivision layout, the site has a wide footpath area. The steep footpath area has been terraced by the neighbouring property owners, and driveways which access the properties on either side of the site cross the footpath area in front of the site in order to obtain a usable gradient for vehicular access (see Figure 3).

Public access to the site is extremely difficult without entering the private properties at either side. The properties on the southern side of the site appear to have landscaped part of the site and constructed some improvements such as retaining walls, terraces and a barbeque (see Figure 4).

The lots with the north and south of the site are occupied by two storey detached dwellings. The adjacent residential area generally consists of single and double storey detached dwellings. Beyond the rear boundary of the site is heavily vegetated and is part of the Tomago National Park. The site is not accessible to the general public because of its steep footpath and therefore does not provide an access for the public or service vehicles to the adjacent National Park.

The land:

- Has a mixture of mainly native and some exotic vegetation.
- Is not bushfire prone
- Is not within the ANEF 2012 20-25; ANEF 2025 25-30 aircraft noise contours.
- Is not flood prone
- Is categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.
- Is zoned for residential and other development permissible in a 2(a) Residential 'A' zone.
- Is classified "Class 5" for acid sulfate soil (works within 500m of an adjacent class)
- Has a large area of community land nearby for informal recreation
- Councils Conservation Assessment Tool scores the area at 104 or low conservation significance.

ATTACHMENT 2

Current classification

The site is classified as Community Land and categorised as Natural Area.

Current zoning

It is zoned 2(a) Residential A under the Port Stephens Local Environmental Plan 2000, as is the adjacent residential land. The land to the rear of the site is National Park and is zoned 7(a) Environmental Protection.

Reasons why Council acquired an interest

The site appears to have been transferred to Council in 23 April 1976. The precise reasons for the acquisition of the site are unclear because the steepness of the footpath of the site would make it unsuitable for neighbourhood open space or for convenient access to the neighbouring bushland.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the proposed disposal of the land. Council would achieve minor operational cost savings from no longer maintaining the land. The 2010 Notice of Valuation by the Valuer General states that the value of the land is \$470,000.

Related asset management objectives

The rezoning and reclassification, and proposed disposal of the land is consistent with Council's asset management and policy framework for open space.

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to revoke the public reserve status applying to the site.

A justification/ explanation as to why such interests are being extinguished

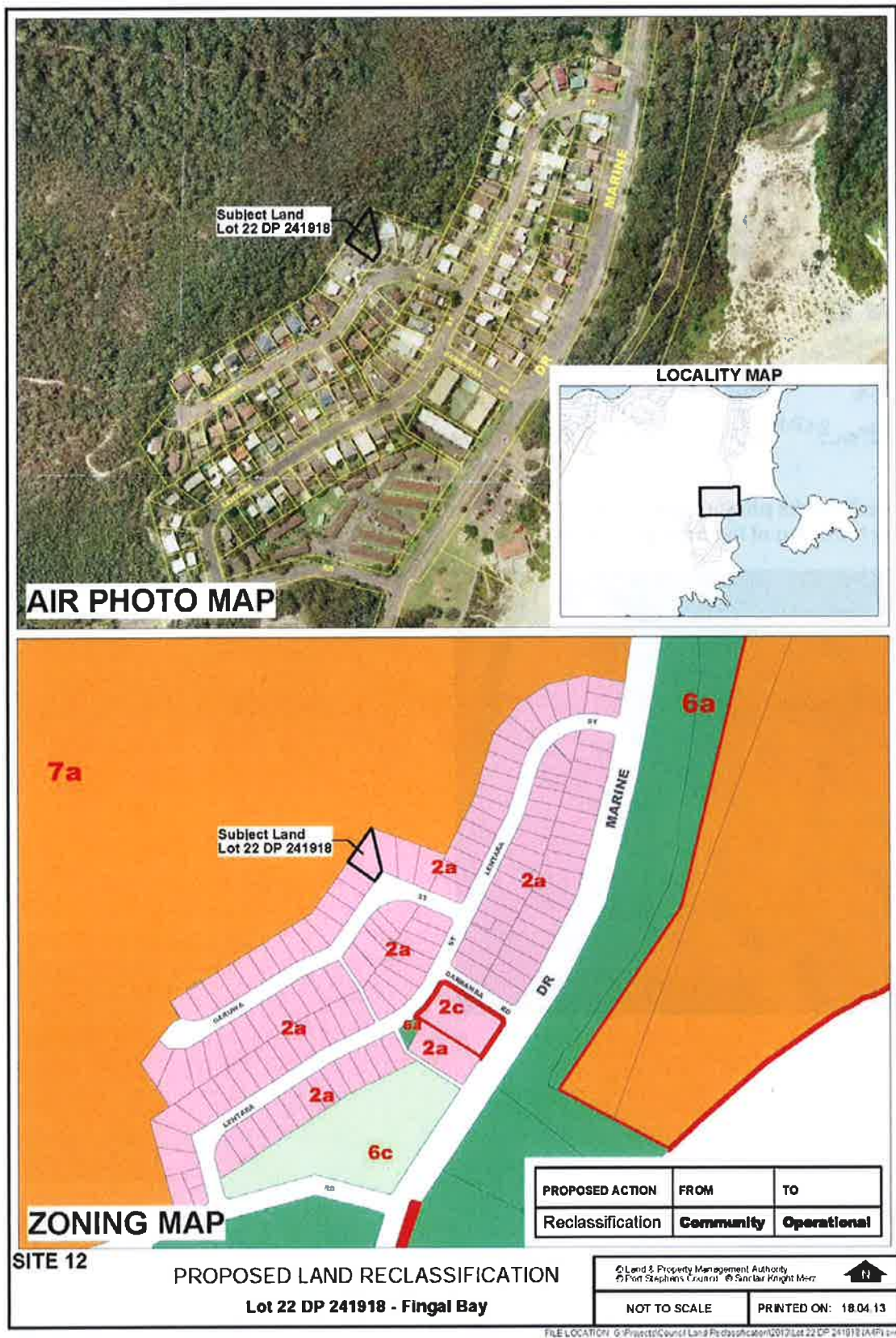
The site is not required to be community land to fulfil its proposed purpose and it is proposed to reclassify the site as operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

It is not proposed to rezone the land.

ATTACHMENT 2

MAPS OF SUBJECT LAND



ATTACHMENT 2

Figure 1: Extract from the title plan of Lot 22 Section 15 DP 241918 (8 Garuwa Street Fingal Bay)



Figure 2: Aerial photograph showing extensive narrow terracing of the footpath, driveways, and wider terracing of the front part of the actual site.



ATTACHMENT 2

Figure 3: Site, looking west, showing the footpath area and driveways of the adjacent properties



Figure 4: Private infrastructure constructed on the site probably by adjacent property owners



ATTACHMENT 2

Figure 5: Looking N across the terrace at the front of the site



Figure 6: Outlook to the E from the terrace at the front of the site



Site 14 - 44A Squire Street, Fingal Bay (Lot 25 Section 5 DP 247555)

Rezoning and Reclassification of public land from community to operational land

Description

The site is a public reserve that has been identified as being surplus to Council's needs. It is proposed to rezone the land from public recreation to residential and to reclassify the land from community land to operational land in order to provide for the sale and subsequent development of the land.

The site is within an existing residential neighbourhood with good access to services. Existing road and social infrastructure has capacity to cater for the development of the site. The land is serviced with water, sewer and telecommunication services.

The proposal will not reduce the availability of usable open space in the area to below Council standards. There is open space nearby in the form of foreshore parkland within 450 metres, and a playground within 400 metres. The coastal reserve also provides informal recreation opportunities with public access located 150 metres from the site. The site is not required for recreational purposes.

Site Description

The site is located in a suburban area in the suburb of Fingal Bay in the Port Stephens Local Government Area. The site has distant broken views to the west and north, to wooded hills and to the coastline/beach respectively. Adjoining lots to the north and south of the site are occupied by two storey detached dwellings. The adjacent residential area generally consists of single and double storey detached dwellings.

The site is 2845 square metres in area and has a frontage to Squire Street of 55.5 metres. Although it is hexagonal in shape, the actual shape of the site approximates a rectangle. The site slopes up from the road, and slopes downwards from its centre in all directions. This slope is steepest towards the north and is relatively minor to the east and west.

The site is covered by native vegetation, with a well mown grassed area of around 3-5 metres wide along each of the lot boundaries. According to Council's environmental staff, a site inspection revealed that it was "headland woodland" with no threatened species/endangered ecological communities being observed. It is an isolated pocket of native vegetation that has no connectivity to other such areas (other than to avifauna).

The site has no signs of being used for formal or informal recreation activity.

The land:

- Has coastal native vegetation, which is relatively isolated from other large areas of native vegetation (i.e. it does not form part of a biodiversity corridor)
- Is not habitat for endangered species
- Is bushfire prone, rated as a "vegetation buffer"
- Is not within the ANEF 2012 20-25; ANEF 2025 25-30 aircraft noise contours.
- Is not flood prone
- Is categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.
- Is surrounded by land zoned for residential and other development permissible in a residential zone.
- Is classified "Class 5" for acid sulfate soil (works within 500m of an adjacent class)
- Has community land nearby for informal recreation

Current classification

The site is classified as Community Land and categorised as Natural Area (Bushland).

Current zoning

It is zoned 6(a) General Recreation under the Port Stephens Local Environmental Plan 2000. The surrounding land is zoned 2(a) Residential A.

Reasons why Council acquired an interest

The site appears to have been transferred to Council in 23 April 1976 during the subdivision of the land for residential development. The precise reasons for the acquisition of the site are unclear.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the proposed disposal of the land. Council would achieve minor operational cost savings from no longer maintaining the land. The 2010 Notice of Valuation by the Valuer-General states that the value of the land as open space is \$18,100.

Related asset management objectives

The rezoning and reclassification, and proposed disposal of the land is consistent with Council's asset management and policy framework for open space

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to revoke the public reserve status applying to the site.

A justification/ explanation as to why such interests are being extinguished

The site is not required to be community land to fulfil its proposed purpose and it is proposed to reclassify the site as operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

It is proposed to rezone the land from public recreation to residential.

MAPS OF SUBJECT LAND

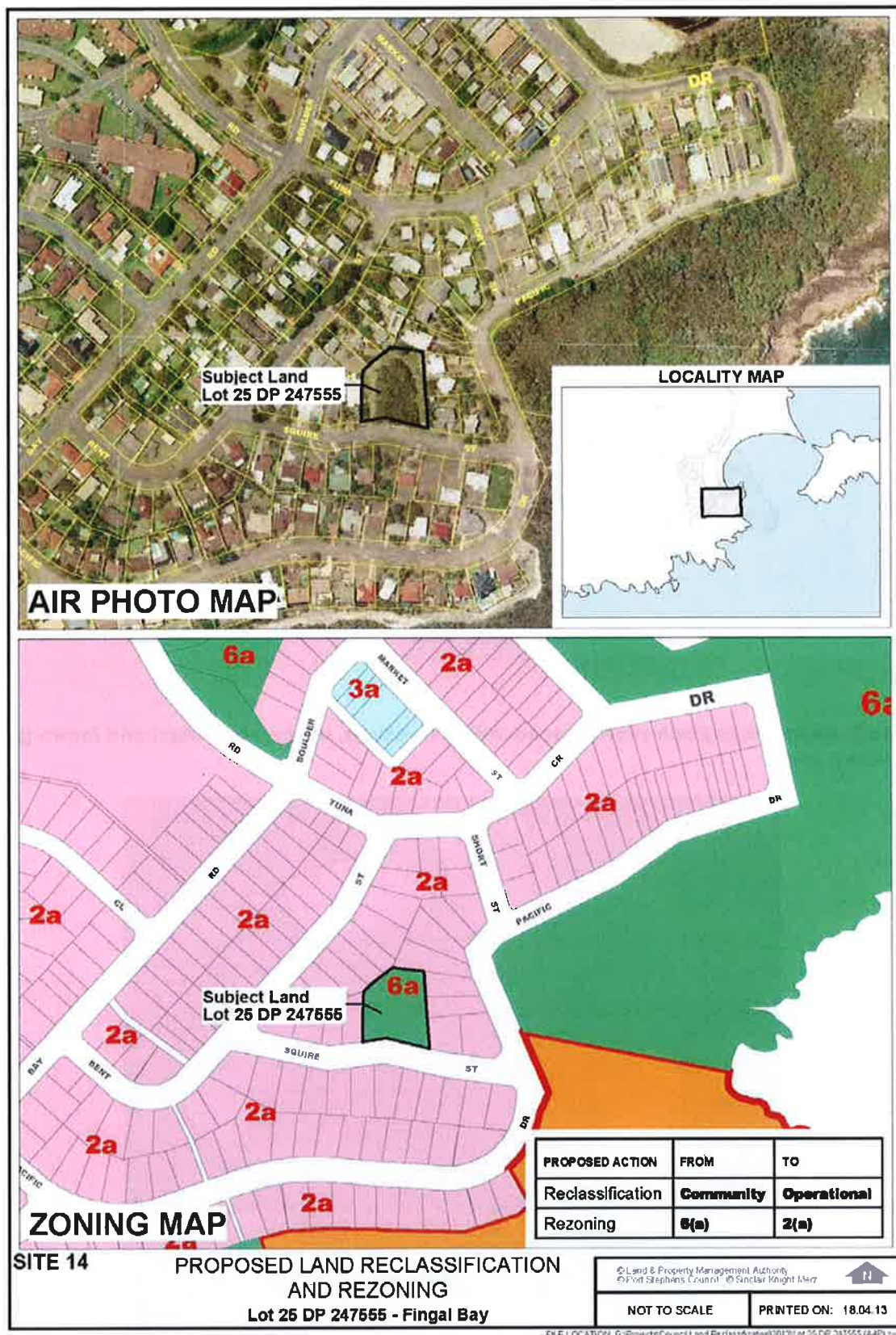


Figure 1: Extract from the title plan of Lot 25 Section 5 DP 247555, 44A Squire Street, Fingal Bay

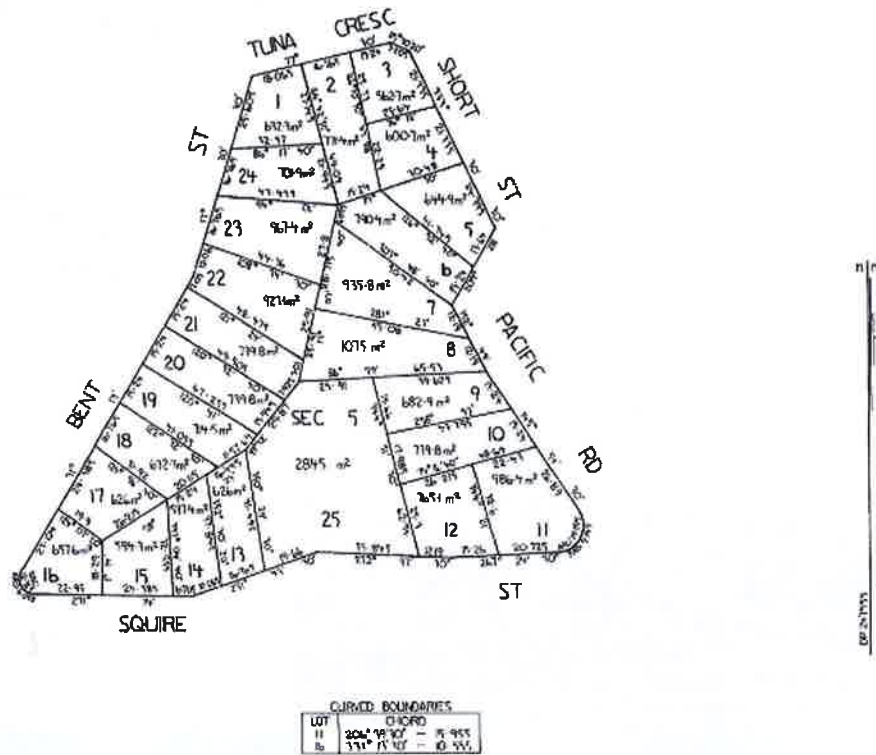


Figure 2: Aerial photograph showing surrounding dwellings, centre vegetation and mown grass boundary areas.



Figure 3: Site, looking NW from the E property boundary showing mowing grass area and central vegetation



Figure 4: Site showing Squire Street frontage looking ENE.



ATTACHMENT 2

Site 15 – 13 School Drive, Tomago (Lot 34 DP 580267)

Reclassification of public land from community to operational land

Description

The site is a public reserve fronting industrial land at 13 School Drive, Tomago, effectively separating the industrial land from street frontage. The site is not required for, or currently used as, open space or any other community land related use. It is proposed to reclassify the site from community land to operational land in order to provide for the leasing, licensing or sale and subsequent development of the land.

Site Description

The subject land is adjacent to a developed industrial area in the suburb of Tomago. It is zoned 4(a) Industrial A under the Port Stephens Local Environmental Plan 2000. The land is serviced with road access, water, sewer and telecommunications.

The site is a thin strip of land which separates privately owned industrial properties from a public road (School Drive). The site is a parcel of land approximately 7 metres wide and 179 metres long. The site has its long edge fronting School Drive to the southeast, and a number of industrial properties to the northwest. The short edges adjoin private property to the northeast and southwest.

The site is flat and has a surface of mown grass. A number of driveways cross the site, providing access to the industrial properties from School Drive. The site is adjacent to industrial properties in its entirety. It appears to perform no community land purpose, and has the appearance of being a widening of the footpath component of the road reserve.

An extract of the title plan is shown in Figure 1. Since the title plan was drawn Lot 31 has been subdivided into a number of properties, each fronting School Road via the subject site.

School Drive acts as a service road which parallels Tomago Road (generally to the south). School Drive provides access to a number of industrial properties, and further east some rural/ large lot rural lifestyle properties. This proposal will not affect the nature or functioning of School Drive.

The land:

- Does not appear to have endangered ecological communities based on Council's mapping
- Is bushfire prone, with its eastern half categorised as "vegetation buffer".
- Is not within the ANEF 2012 20-25; ANEF 2025 25-30 aircraft noise contours.
- Is flood prone.
- Is categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.
- Is zoned for industrial uses and other development permissible in a 4(a) Industrial A zone.
- Is classified "Category 4" for acid sulfate soil (works beyond 2m below natural ground surface)

Current classification

The site is classified as Community Land and categorised as Natural Area- Bushland

ATTACHMENT 2

Current zoning

The site is zoned 4(a) Industrial A under the Port Stephens Local Environmental Plan 2000.

Reasons why Council acquired an interest

The site was dedicated to Council on 12 April 2004. It is not clear why it was specifically dedicated as public reserve.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the lease, licensing or disposal of the land. There would be a minor decrease in operational costs because the land would no longer need to be maintained by Council.

Related asset management objectives

The reclassification and proposed disposal of the land is consistent with Council's asset management and policy framework for open space.

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to extinguish the public reserve status of the land.

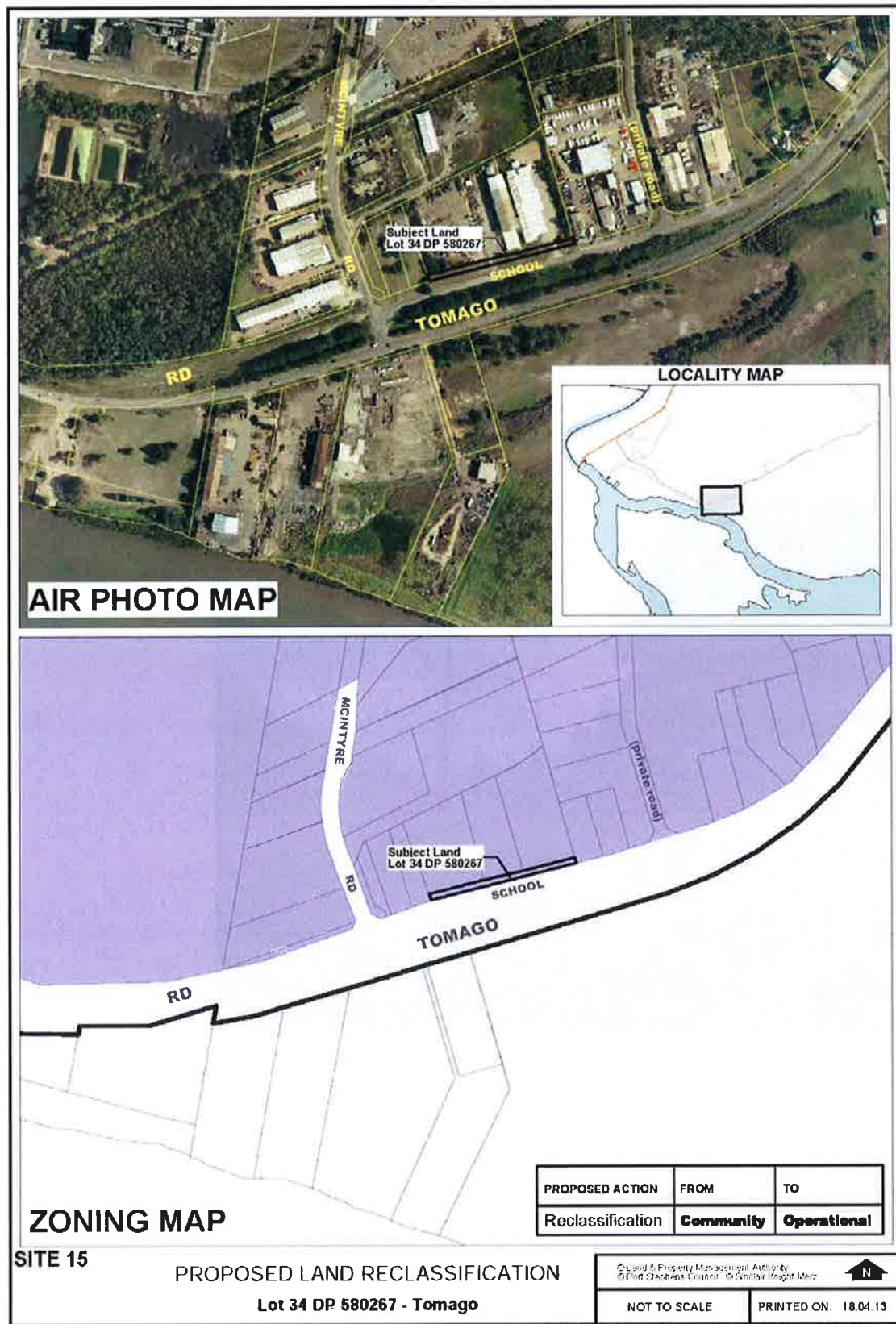
A justification/ explanation as to why such interests are being extinguished

The site is not required for community purposes and it is proposed to reclassify the site as operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

It is not proposed to rezone the land. It will remain zone 4(a) Industrial A

ATTACHMENT 2
MAPS OF SUBJECT LAND



ATTACHMENT 2

Figure 1: Lot dimensions of Lot 34 DP 580267

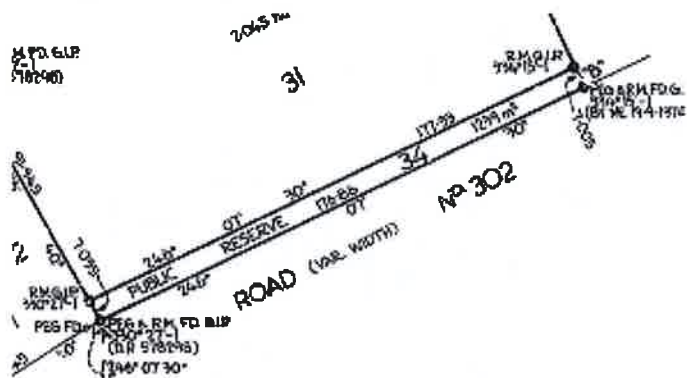


Figure 2: Site- 13 School Drive looking east



ATTACHMENT 2

Sites 17 & 18 – 9 Mitchell Street, Soldiers Point (Part Lot 322 DP 636840) and 2 Ridgeway Avenue, Soldiers Point (Part Lot 2071 DP 852662)

Rezoning and reclassification of public land

Description

The planning proposal seeks to provide for the improved operation of the Soldiers Point Marina while maintaining public access to the foreshore and a continuity of public walkways.

The Marina is a long standing use which provides commercial marina facilities as well as restaurants. Boating is an important recreational activity in the LGA, and boating support industries provide economic activity and employment. The Marina is mainly situated on an area leased from the Land and Property Management Authority (adjacent to the subject land) but it also located on, or uses the subject land. This proposal aims to facilitate the operation of the Marina and to also safeguard the public interest.

The proposal will lead to a number of area improvements which define and upgrade the public foreshore walkway, and introduce a pedestrian/vehicular shared zone where vehicles currently appear to have right of way. It will resolve the existing lack of clarity about the rights and responsibility of the users of the land.

The purpose of the proposal is to provide for the non exclusive licensing of the land for commercial uses in association with the adjacent marina. The proposal does not seek to facilitate the expansion of the Marina, but instead to accommodate and better regulate the existing uses. It also seeks to generate revenue for Council which will be used to improve the public realm in the immediate area.

The proposal will not reduce public access, but will clarify and reinforce the right of public access and movement in the area. Council intends to create a right of way for public access in relation to the land to the north, south and east of the site and to formally register this right of way on the title of the subject lands. Council will also improve signage and will make the foreshore walkway more legible.

The proposal will regularise activities which have been taking place for some time, and in the process clearly define the right of public access and the conditions under which the Marina operators may use the land.

In order to do this, it is proposed to rezone Part Lot 2071 DP 852662 (2 Ridgeway Avenue, Soldiers Point) from zone 6(a) General Recreation to 3(a) General Business (consistent with adjoining land), and to reclassify the land from community to operational land, and to reclassify Part Lot 322 DP 636840 (9 Mitchell Street, Soldiers Point) from community to operational land (consistent with adjoining land).

Site Description

The site is located adjacent to the Soldiers Point Marina, on the shores of the Port Stephens waterway. The Marina wharves and buildings are a long standing use mainly located on "land" leased from the Land and Property Management Authority. This leased area is not part of this Proposal.

The Marina Buildings located on the leased area are two storey buildings containing marine related retail and facilities, as well as two restaurants/cafes. The north of the marina is a dual

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boat ramp/slipway and a large hardstand area. The marina wharves are located to the west of the Marina and accessed via the main Marina building.

The only vehicular access to the Marina is from Ridgeway Avenue. However, to access the marina buildings and boat hardstand area it is necessary to cross community land. In addition to a requirement for access, the Marina has established some facilities on Council land, such as formal car parking (Part Lot 2071), hard stand, fencing and minor building overhang (Part Lot 322 DP 636840). The rezoning and reclassification seeks to assist in resolving these issues.

The site is generally flat, has an area of approximately 1070.74m², and includes part of the foreshore walkway that extends from the Soldiers Point park and boat ramp in the north, to the foreshore reserve area in the south.

The site is largely paved, although it is adjacent to extensive areas of well mown grass and landscaped areas incorporating large trees.

The adjacent landform, including Ridgeway Avenue, rises rapidly to the east. To the east of the site on the northern side of Ridgeway Avenue is the two storey Port Stephens Yacht Club building, and beyond, a small car park, the Soldiers Point Holiday Park and the Soldiers Point Community Hall. To the east of the site on the southern side of Ridgeway Avenue is a small car park, a number of detached dwellings, public tennis courts and a park.

Ridgeway Avenue forms a loop at its western end, with a small car park, landscaped area and a number of mature native trees located in the centre of the loop. There is no footpath along either side of Ridgeway Avenue, and pedestrians and cars share the paved area where the foreshore "walkway" crosses the road. There is no signage informing drivers of this shared space. In addition, the foreshore walkway is poorly sign posted and delineated as it passes the Marina area.

To the south of part Lot 2071 is a number of items of Hunter Water Corporation infrastructure associated with a pumping station, as well as an historical plaque and formal seating. Further south is a grassed foreshore research and beach area.

To the north of Part Lot 322 a brick paved path leads to the extensive Soldiers Point Park, beach area, and boat ramp through a grassed area with canopy trees.

The land:

- Contains small areas of vegetation in the form of mown grass with several canopy trees in its extreme northern area, but is mainly paved.
- Is not habitat for endangered species
- Is not bushfire prone
- Is not within the ANEF 2012 20-25; ANEF 2025 25-30 aircraft noise contours.
- Is not flood prone
- Is categorised as "mainly cleared" under the Port Stephens Comprehensive Koala Plan of Management.
- Is adjacent to land zoned, 2(a), 3(a) and 6(a)
- Is classified as Acid Sulphate Soil Category 4 - Work beyond 2m below ground surface
- Has community land adjacent for informal recreation
- Is a public reserve
- The Port Stephens Conservation Assessment Tool identified a total conservation value of 86 for the Planning Unit which includes the site, which is in the low range.

Current classification

The site is classified as Community Land and categorised as Foreshore and Cultural. The categorisation of the site is the same as the adjacent open space.

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Current zoning

Part Lot 2071 is zoned 6(a) General Recreation and Part Lot 322 is zoned 3(a) Business (General).

Reasons why Council acquired an interest

It is believed Council acquired the site in 1955 as part of the acquisition of a much larger area of land from the Commonwealth of Australia. This land had been intended for the establishment of a naval base, however this did not eventuate and the site was sold to the Council by the Commonwealth.

Any current agreements over the land

There is no current agreement over the land.

Financial implications for Council

Council would receive revenue from the proposed non exclusive licensing of the land. The additional revenue is likely to be at least \$4,000 per year. This revenue is proposed to be used for area improvements in the immediate area.

Related asset management objectives

The rezoning and reclassification is consistent with Council's asset management and policy framework for open space

Any proposal to extinguish or retain other interests in the land through reclassification

It is proposed to revoke the public reserve status applying to the site.

A justification/ explanation as to why such interests are being extinguished

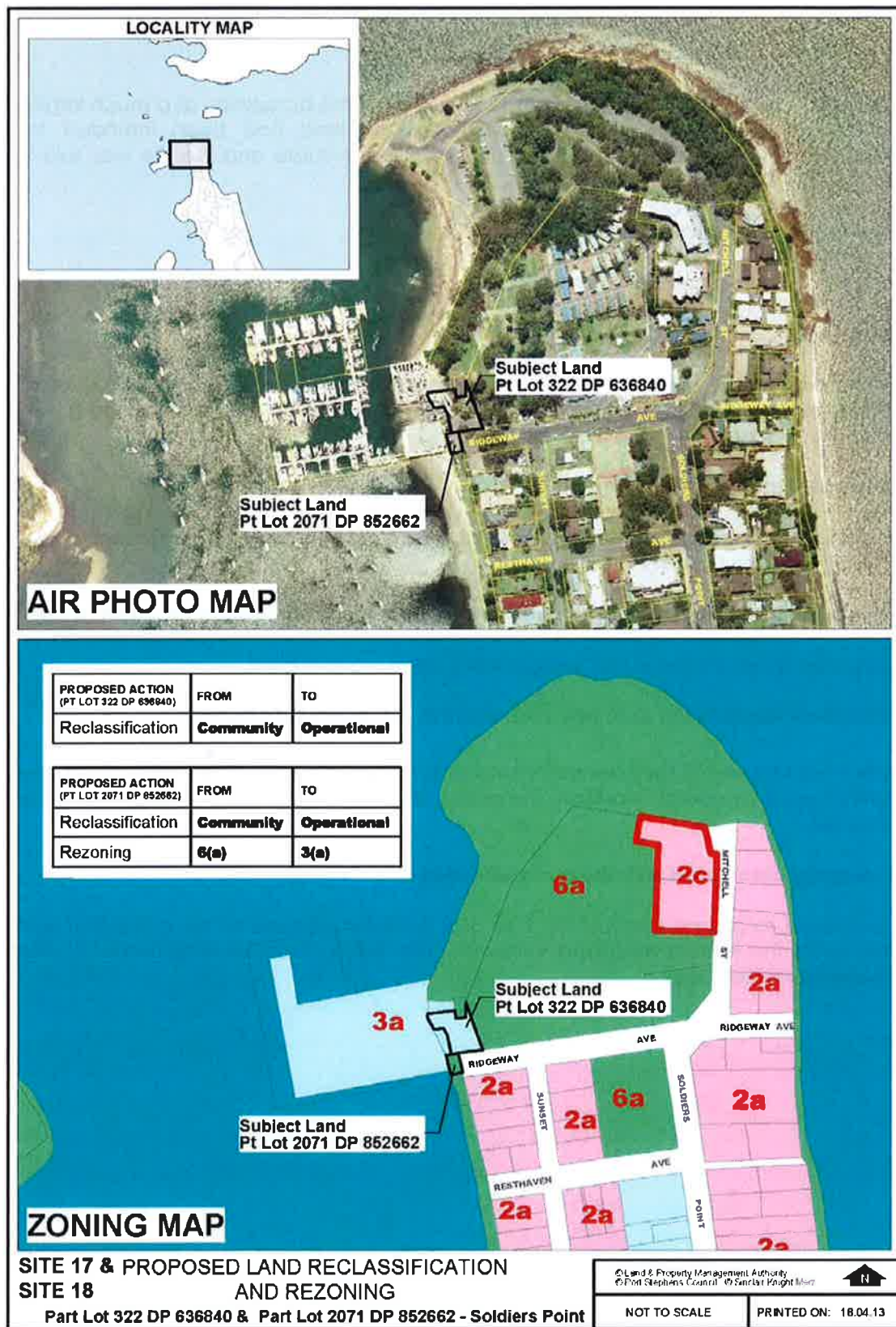
The site is not required to be community land to fulfil its proposed purpose and it is proposed to reclassify the site as operational land. The public reserve status of the land would no longer be appropriate.

Any rezoning associated with the reclassification

It is proposed to rezone Part Lot 2071 to 3(a) Business General to be consistent with the remainder of the Marina area and surrounds- see zoning map at Attachment 2. Part Lot 322 is already zoned 3(a).

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MAPS OF SUBJECT LAND



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Figure 1: Extract from the title plan of Lot 2071 DP 852662 (also shows Part Lot 322 DP 636840)

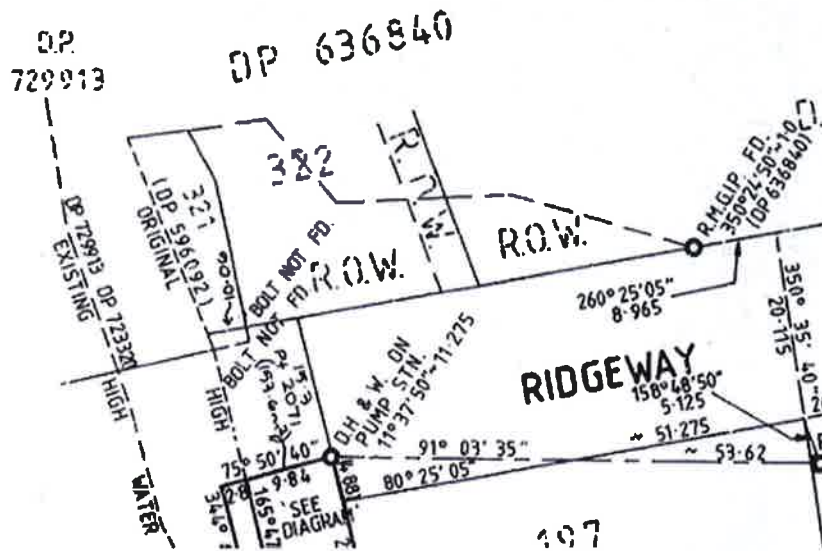


Figure 2: Aerial photograph showing subject site in the context of the surrounding area



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Figure 3: Subject site and surrounding land uses



Figure 4: Looking north, Part Lot 2071 is the grassed area just beyond the palm tree, the middle ground paved area and the middle ground car parking area.



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Figure 5: Part Lot 2071 northern area is generally the area occupied by the parked cars and the sealed area immediately to their rear, and to the south is the photo below.



Figure 6: Part Lot 2071 southern view is generally the area occupied by the sealed area in the middle ground, to the south is the grassed HWC land, and to the north the photograph above



Figure 7: The pedestrian desire line northwards along the foreshore walkway across the "road way" and vehicle manoeuvring area of the subject site.



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Figure 8: The pedestrian desire line southwards along the foreshore walkway across the "road way" and vehicle manoeuvring area of the subject site. Note: the laneway in the foreground is used for access to the hardstand area.



Figure 9: The pathway from the Soldiers Point Park looking S towards the subject site. Note: the mesh fence on the right extends almost to the point where the photograph was taken.



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PLANNING PROPOSAL

(The following should be read in conjunction with the combined Planning Proposal)

Part 3 - Justification

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of a strategic study or report.

Council's Foreshore (Community Land) Plan of Management applies to the land, is generic in nature and does not have specific provisions and strategies for the site.

The Port Stephens Foreshore Management Plan contains a number of recommended actions in relation to the land. These include ensuring that the Soldiers Point (Park) Plan of Management is implemented (see below for details), respecting the indigenous significance of the land and conducting regular environmental audits of the Marina.

The Port Stephens and Myall Lakes Estuary Management Plan did not identify any key issues or recommended actions relating specifically to the site.

The Soldiers Point Plan of Management (POM) applies to the Soldiers Point Park and was jointly developed by the Council and the National Parks and Wildlife Service. It contains a number of policies and actions relevant to the site. A major focus of the POM is resolving the general functional elements of the Park, the nature of development of the caravan park (Soldiers Point Holiday Park), and identifying and protecting a number of areas of significance to Indigenous people. It contains a number of policies and strategies to achieve these goals.

The POM's Master Plan for the Park is shown at Figure 10. It shows the location of the Marina and the development of a pathway from the Marina area to the parkland to the north. No other specific actions are shown for the subject site. This pathway is now largely complete.

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Figure 10: Soldier Point Plan of Management Master Plan



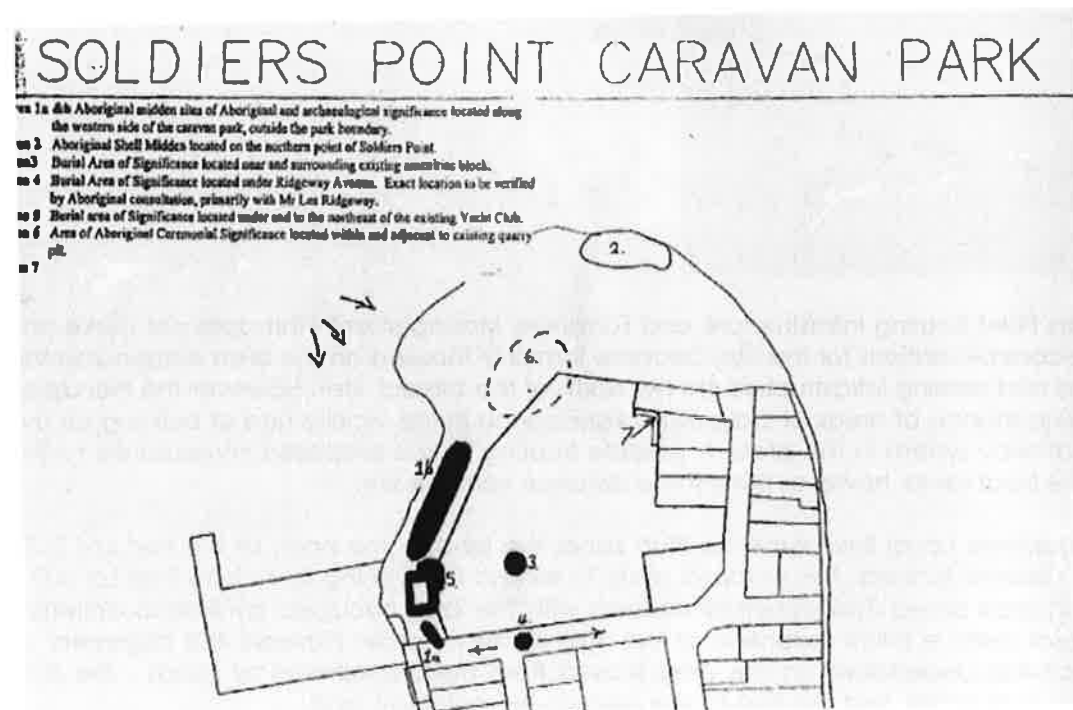
The POM identifies three areas of indigenous heritage significance that are within or close to the site. These are shown in Figure 11.

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Area 1a and 1b are extensive aboriginal middens. The POM contains policies and strategies which include that no development shall be permitted within this area except those that are required for emergency work for existing services, or the replacement of existing facilities that do not require sub surface works. Procedures are specified in the POM for ground surface maintenance, and those are to be followed if development or works are proposed.

Area 5 is a burial area of significance located under and to the northeast of the existing Yacht Club. The POM contains policies and strategies which include that no development shall be permitted within this area except those that are required for emergency work for existing services, or the replacement of existing facilities that do not require sub surface works. Procedures are specified in the POM for ground surface maintenance and those are to be followed if development or works are proposed.

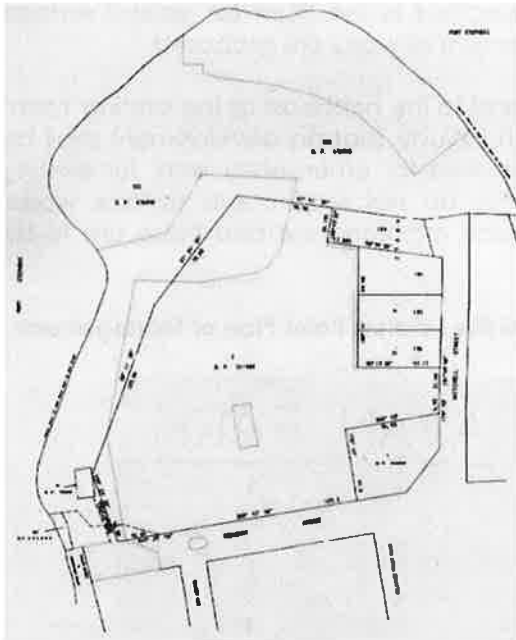
Figure 11: Areas of Indigenous significance identified in the Soldiers Point Plan of Management



The policies and strategies of the POM will need to be reflected in any development of the site, however, the proposed rezoning and reclassification of the site is not contrary to these policies and objectives. It should be noted that while the site does not appear to be included in any of the areas of identified indigenous significance the northern part of the site (i.e. Part Lot 322) is within the "buffer zone" around the identified sites, as shown in Figure 12. Part Lot 2071 does not appear to be affected. Notwithstanding this, it is important that the proximity of the identified sites, and the likelihood of other areas of significance being located within the site is considered in any development or works in the future. Further, it is important that any development close to the buffer area reflect and respect the cultural significance of the land and its context.

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Figure 12: Buffer boundaries to areas of Indigenous significance



The Soldiers Point Boating Infrastructure and Foreshore Management Plan does not make any specific recommendations for the site, because it mainly focused on the area surrounding the boat ramp and relating infrastructure (to the north of the subject site). However the Plan does note the importance of areas of Indigenous significance in the vicinity and of building on the existing pathway system in the area. A possible floating jetty is proposed immediately to the south of the boat ramp, however this is some distance from the site.

The Port Stephens Local Environmental Plan zones the land to the north of the Part Lot 2071 zone 3(a) General Business. This proposal seeks to extend that zoning to include Part Lot 2071. The existing area zoned 3(a) generally accords with the land occupied by Marina activities. This proposal seeks a minor extension of the 3(a) zoning in order increase the alignment of Marina activities undertaken on the area leased from the Department of Lands , the 3(a) zoned area over water, and the 3(a) zoned area on the adjacent land.

Port Stephens Council has a long standing policy commitment to maintaining and improving public access to the foreshore. This proposal does not reduce public access. Some of the actions intended by Council to accompany the proposal will improve and formally reinforce the right of public access and the practical operation of public access.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best way of making the site available for uses which meet Council's policy objectives.

The alternatives are:

1. To cease those Marina operations which require this planning proposal to be able to operate. This would severely curtail the operations of the Marina, with consequent adverse economic and recreational impacts. It would not necessarily improve public access to the land; or

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2. Seek to transfer the land to the Crown. This would be very likely to have the same impact as the proposal. However, it would fragment the ongoing management responsibilities for foreshore land in the area, and is not recommended for that reason.

The best course of action is to proceed with the planning proposal.

Council's intention

Council's intention is to rezone and reclassify the site as described in order to grant a non exclusive conditional licence of the site, to ensure continued public access, as well as generate income for area improvements. Council does not intend to sell or otherwise dispose of the site. The land identified for non exclusive licensing is shown in Figure 13. The Figure also shows adjacent land which is subject to an existing lease to the Marina.

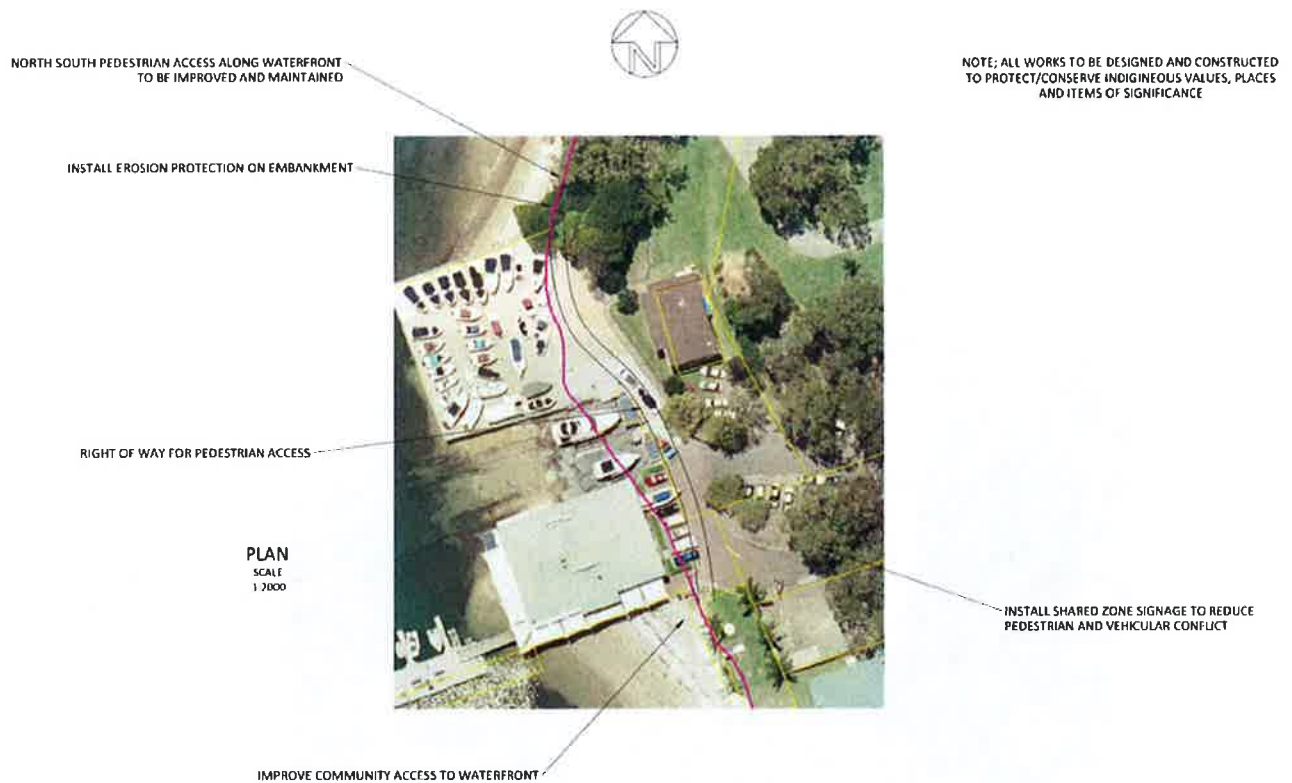
Figure 13: Site licensing intentions



Council aims to enhance public access to and through the site by the actions shown in Figure 14.

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Figure 14: Public access and site improvement intentions



3. Is there a net community benefit?

The land is within an area used for a variety of recreational purposes, most of which are related to water. It is part of a strip of publicly accessible foreshore land that links a number of large areas of open space.

There is a large amount of open space in the area, and the key issues applying to the land are:

- The continuity of the foreshore land
- Public access to open space
- Public access to the foreshore of the Port Stephens waterway

The proposal will not reduce the continuity of foreshore land. The proposal seeks to accommodate a marina based land use as well as ensure that the public can move freely along the length of the foreshore land.

The proposal will not reduce the availability of usable open space in the area to below Council standards. There is adequate open space in the area to meet Council open space standards as well as to meet the needs of visitors. There are three large areas of informal open space within 500metres of the site, including three playgrounds, tennis courts, barbeques, tennis courts, shelters, a boat ramp and large open areas.

While the Marina is a commercial use, it provides a service to the recreating public in the form of boat mooring and servicing facilities, as well as two restaurants/cafes. The Marina is a long standing use, and the majority of the Marina site is located on a crown lease. The Marina can

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only be located on the waterfront, and is the only such facility in the Soldiers Point area. The other nearby marinas are located at Corlette, Lemon Tree Passage, and Nelson Bay. The Marina provides direct employment for the local community and is a purchaser of goods and services. It also brings tourists to the local area, and broadens the depth of tourist product available in the area.

The proposal will not reduce the existing level of access of the public to the Port Stephens waterway.

From an environmental perspective, the proposal will have a minimal environmental impact. It seeks to provide spaces in which the Marina can transport goods (e.g. boats) without occupying the land on an exclusive basis. A licence agreement will clearly state the right of the public to access of the area.

There is a net community benefit from the reclassification and (part) rezoning of the land. It provides for the continuing operation of the Marina while confirming and maintaining public access to the land. It maintains a broad range of recreational uses in the area, while maintaining the availability of general open space to the wider community. The rezoning of part of the land will ensure that the area has a consistent and logical allocation of land use zones, and will more accurately define those areas that relate to the Marina operations. Further, any fees received by Council for the non exclusive licensing of the land will permit Council to resource the delivery of services to the local community.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The NSW Coastal Policy provides an overriding philosophy for coastal zone management. The Policy is supported by the coastal design guidelines, and by locally specific plans such as the Estuary Management Plan, Foreshore Management Plans and Plans of Management. As discussed in Part 3, Section A, 1, above, the proposal is consistent with Council's Estuary Management Plan, Foreshore Management Plan and the Soldiers Point Plan of Management.

The proposal deals with matters at a more detailed level than that generally considered by the Lower Hunter Regional Plan and Lower Hunter Conservation Plan, however, it is not inconsistent with these Plans. It is noted that the LHRS states "*(The Lower Hunter's) rivers, lakes and foreshores provide habitat for fish as well as recreational opportunities that characterise the Region, including dolphin- and whale-watching, fishing and boating. Maintaining access and sustainable use of the resources is critical to achieving the Strategy's objectives...*". The proposal seeks to ensure that access is maintained to this resource in a sustainable way, consistent with the LHRS. The LHRS also states "*Local environmental plans will zone waterways to reflect their environmental, recreational or cultural values...*" It is considered that the proposal is consistent with this statement.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022) which states that Council should:

- provide a diverse range of fit-for-purpose, quality recreational assets which are safe and highly accessible – balanced with the ability to maintain these on a financially sustainable basis, and

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- work in partnership with the community, other government agencies and providers to ensure that there is safe access to a range of high quality sustainable recreation opportunities for all people in the community.

Council's Port Stephens Planning Strategy (2011) points out that the changing nature of the Port Stephens economy will include new service sector jobs and that these should be encouraged- the Marina is an example of the growing service sector.