

Reclassification of 2 Jessie Road Anna Bay (Lot 10 DP 729986)

Proposal Title : **Reclassification of 2 Jessie Road Anna Bay (Lot 10 DP 729986)**

Proposal Summary : **Reclassification of 3.5ha former Anna Bay Oval and current Pony Club area from Community Land to Operational Land.**

PP Number : **PP_2013_PORTS_003_00** Dop File No : **13/09477**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.2 Reserving Land for Public Purposes**

Additional Information :

1) Council clarify within the exhibited material that the reclassification of the land to operation may remove the land from public access and therefore remove any opportunity for recreational use. A copy of Council's 2007 'Open Space Consolidation Review' should also be placed on exhibition with the Planning Proposal.

2) Council consult NSW Rural Fire Service as per S.117 Direction 4.4 Planning for Bushfire Protection.

3) Council publicly exhibit the planning proposal for 28 days and finalise the PP within six months.

4) Council exhibit a copy of Planning Practice Note PN 09-003, 12 June 2009 with the Planning Proposal

5) Council provide details of the reclassification planning proposal and dates of the public exhibition period to the Nelson Bay Pony Club and adjoining landholders including Energy Australia.

6) Council are not given delegations for the proposal because the subject land is council owned and it may require consideration by the Governor.

7) That inconsistency with s117 direction 2.1 Environmental Protection Zones be considered justified as of minor significance and that consistency with s117 directions 4.4 Planning for Bushfire Protection and 6.2 Reserving land for Public Purposes be resolved post exhibition.

Supporting Reasons :

The proposal is for the reclassification of land currently zoned 6a Open Space. The land is located within the regionally significant Green Corridor and may have environmental, heritage and open space values. The reclassification itself does not prevent these values from being retained, however Council should be advised that the future use of the land and any future proposal to change the zoning, will need to demonstrate how these values have been assessed and if relevant protected.

Panel Recommendation

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Recommendation Date : **04-Jul-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal should proceed subject to the following conditions:**

- 1. Council is to ensure the planning proposal addresses the Director-General's requirements relating to the reclassification of public land consistent with section 5.5.4 of A Guide to Preparing LEPs.**
- 2. Prior to undertaking public exhibition, Council is to update the planning proposal to clarify that the reclassification of land at Anna Bay from 'community' to 'operational' land may remove public access to the land and remove opportunities for the recreational use of the land. Council is to place on public exhibition with the planning proposal, the Open Space Consolidation Review (2007) and practice note PN09-003, Classification and reclassification of public land through a local environmental plan.**
- 3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**
- 4. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.**
- 5. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.**
- 6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**

Gateway Determination

Decision Date :

Gateway Determination :

Decision made by :

Exhibition period :

LEP Timeframe : **0 months**

Gateway

Determination :

Signature:



Printed Name:

Neil Skerman

Date:

9/7/13