

Planning Proposal

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

Part 1 - Objectives or Intended Outcomes

The purpose of this Planning Proposal is to reclassify the former Anna Bay Oval (Lot 10 DP 729986, 2 Jessie Road, Anna Bay) from community land to operational land.

A review of community lands by Council has determined that the land ("the site") is not required for open space or any other community land related use.

As land manager, Council has considered a report that summarised the status of the land as community land and an assessment of the land according to a range of consistent criteria that reflect Council's standards of open space provision. Council resolved that the land should be reclassified.

On 27 March 2012 a recommendation was adopted that Council "As Landowner supports the preparation and lodgement with Council as a Planning Authority of a planning proposal for the reclassification of 2 Jessie Road Anna Bay from community to operational land". A description of the subject land and information relevant to LEP Practice Note PN 09-003 is included at **Attachment A**. The relevant Council report and resolution are at **Attachments B and C** respectively.

Part 2 - Explanation of Provisions

It is proposed to amend either the Port Stephens Local Environmental Plan 2000 or the Port Stephens Local Environmental Plan 2013 (whichever instrument is in force at the time this proposal is finalised) to reclassify Lot 10 DP 729986 from community land to operational land.

Port Stephens Local Environmental Plan 2000

It is proposed to amend the Port Stephens LEP 2000 by inserting the following into Part 2 in Schedule 1 in the LEP as identified on the Land Reclassification Map (see **Part 4-Mapping**):

Column 1	Column 2	Column 3
Locality	Description	Any trusts, etc. not discharged
Anna Bay, 2 Jessie Road	Lot 10 DP 729986 (2 Jessie Road, Anna Bay as shown edged heavy black on the map marked "Port Stephens Local Environmental Plan 2000 (Amendment No XX)")	Nil

Port Stephens Local Environmental Plan 2013

Should the Port Stephens LEP 2013 be in force when this proposal is finalised, then it is proposed to amend the Port Stephens LEP 2013 by inserting the above text into Part 2 in Schedule 4 of this LEP. A new Land Reclassification Map (RPL series) will also be required to be inserted into the LEP.

The effect of this amendment would to be to reclassify the subject land as operational land.

Part 3 - Justification

Section A - Need for the planning proposal.

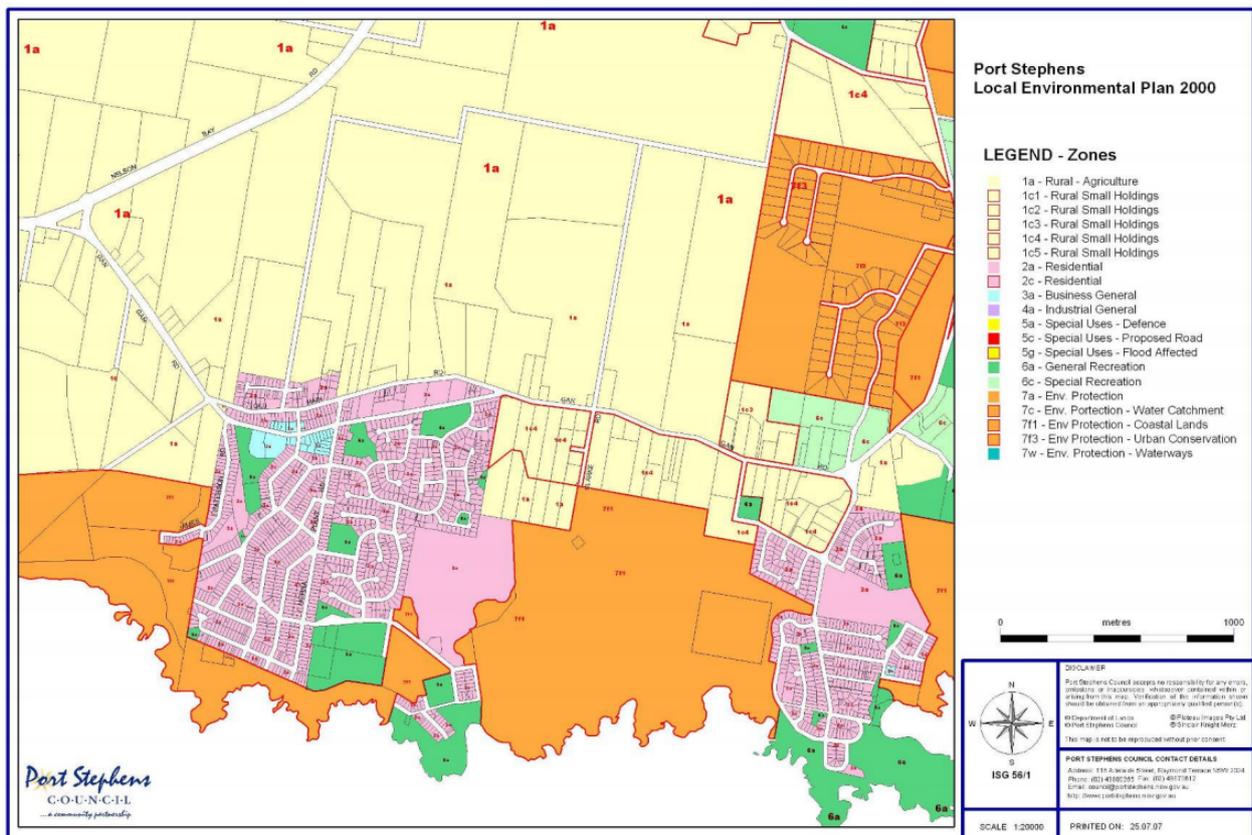
1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is the result of a strategic study or report. It is an outcome of the Open Space Consolidation Review that was adopted by Council on 27 November 2007.

The Open Space Consolidation Review took a consistent LGA wide approach to directing Council's open space resources. This Review identified that the subject land was better classified as operational land in order to improve administrative efficiency and flexibility.

Anna Bay has a number of areas used for recreation and zoned 6(a) Open Space, shown marked green in the map at Figure 14. It should be noted that the subject land is not located in or immediately adjacent to the urban area of Anna Bay. The subject land is located approximately 2 km to the northwest of the urban area of Anna Bay and is beyond walking distance of the town. A large Council sporting complex containing a range of sportsfields and other recreational facilities is located at Salamander approximately 7 kilometres from Anna Bay. The Anna Bay Strategy and Town Plan did not identify a need to use the subject land for open space or a need for additional open space within, or immediately adjacent to, the Anna Bay urban area.

Figure 1: Land Use zones- Anna Bay



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 for achieving which meet Council's policy objectives because an operational land classification will permit greater flexibility in managing the range of uses and users of the land.

The proposal will not necessarily reduce the availability of the land for community uses. However, the availability of the land for community use may reduce as a result of future decision making regarding the future use of the land.

Section B - Relationship to strategic planning framework.

3. 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)?

Lower Hunter Regional Strategy

The Planning proposal is consistent with the Lower Hunter Regional Strategy (LHRS).

The land is not identified as a potential development site in the LHRS. However, it is part of the Watagans to Port Stephens "green corridor". According to the LHRS, in addition to selective Government ownership of land within the green corridor, *"additional protection of biodiversity and conservation values of the green corridor will be achieved through appropriate planning controls on private lands, as well as the exclusion of one-off development proposals in these areas"*.

Given this policy setting, the development of the land for intensive uses would need to be very well justified. The Department of Planning and Infrastructure has generally refused rezoning proposals for more intensive development within the green corridor.

An implication is that the land is most easily developed with uses that are permissible within the current land use zone of the land, rather than seeking a land use zone to support other more intensive uses.

The LHRS is under review. The map of the green corridor in the LHRS is meant to be viewed on a regional scale and not overlaid for cadastral purposes. As a result, it is likely that the boundaries of the green corridor may be refined in this review, in order to incorporate improved information and more detailed investigations that have occurred since the LHRS was published. This may provide an opportunity to seek a review of the status of the subject land in relation to the green corridor.

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

Port Stephens Community Settlement and Infrastructure Strategy (CSIS)

The CSIS describes the urban development strategy for Port Stephens LGA. It was adopted in 2007 and is under review. The CSIS is consistent with the LHRS and provides more local level detail.

The CSIS does not identify the land for development, and does not contain any other specific recommendations for the land. However, it contains a number of general policy directions, in particular G3 "Land Not Identified for Development". The land does not meet the criteria for development listed in G3 because although it is located on an identified transport corridor and it does not have a minimum of 50 hectares of developable land, amongst other matters.

Port Stephens Planning Strategy (PSPS)

The PSPS describes the urban development strategy for Port Stephens LGA. It was adopted by Council on 21 December 2011. It supercedes the Port Stephens Community Settlement and Infrastructure Strategy (CSIS). The Planning Proposal is consistent with the PSPS.

Community Strategic Plan, or other local strategic plan?

The Planning 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. This land is no longer needed as financially sustainable open space and its retention for that purpose is not financially sustainable.

The Planning Proposal is an outcome of Council's comprehensive Open Space Consolidation Review and draft Open Space Strategy, and accordingly is consistent with these strategic plans.

Port Stephens Development Control Plan 2007

The DCP contains a number of policies that may impact on development on the site. However, it does not contain any site specific provisions affecting the site. The DCP will be consulted once a number of preferred land uses have been identified.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

SEPP (Exempt and Complying Development Codes) 2008

This SEPP applies to the land, however upon reclassification of the land to operational land and the associated removal of its public reserve (part R46538) status, certain exemptions on the use of the SEPP under the General Housing Code and the Rural Housing Code would no longer apply (SEPP Clause 1.19(6)(b)).

SEPP (Infrastructure)

The proposal is consistent with this SEPP. Note: this SEPP may permit additional infrastructure uses not permissible in the LEP land use table.

SEPP 71 (Coastal Protection)

SEPP 71 applies to the land. Accordingly any rezoning or development on the land would need to be consistent with the SEPP and its supporting documents.

SEPP 44 Koala Habitat Protection

The subject lands are subject to the Port Stephens Comprehensive Koala Plan of Management (PSCKPOM). Under that Plan the land is categorised as mainly cleared with a smaller area of supplementary habitat. Accordingly any development proposed for the land would need to comply with the provisions of the SEPP through the PS CKPOM.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

1.5 Rural Lands

The objective of this direction is to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.

The land is not rural land; however the adjacent land is zoned rural. The subject land and the immediately adjacent land are not prime agricultural land and are not used for agricultural production. Their ability to be used for agricultural production is very limited.

2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

The site does not contain environmentally sensitive lands.

The land is located within the green corridor identified in the Lower Hunter Regional Strategy. However, it is largely cleared and is not known to contain any endangered ecological communities.

2.2 Coastal Protection

The objective of this direction is to implement the principles in the NSW Coastal Policy. The land is within the coastal zone.

The implication is that any proposed development must be consistent with the Coastal Policy, SEPP 71 and their supporting documents. In many cases these documents require consideration of certain matters and/or performance criteria.

One matter of relevance to the land is that the coastal policy seeks to contain urban development to defined settlements, and to avoid scattered development. Accordingly, development of the land with a use consistent with the rural setting would be most likely to be consistent with the Coastal Policy.

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

A search of the Australian Heritage Database, the NSW Department of Planning Heritage Database and the Post Stephens Local Environmental Plan indicate that the sites do not contain known areas of European heritage significance. The Aboriginal Heritage Information Management system (AHIMS) indicates that an Aboriginal site is located in or near the site. Accordingly suitable studies and consultation should be undertaken at any rezoning and/or development stage, as appropriate.

4.4 Planning for Bushfire Protection

The objectives of this Direction are to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.

The land categorised bushfire prone "Vegetation Category 1" on the eastern and southern edges, "Vegetation category 2" over most of the site, and "Vegetation Buffer" over a small area of land near the centre of its northern boundary.

The implication of this categorisation of the land is that significant measures will need to be taken to manage bushfire hazards on the land, with the extent of any measures being dependent on the proposed use. There is a possibility that this categorisation overstates the bushfire risk and a site specific assessment will be undertaken when the feasibility of the preferred uses is being considered.

5.1 Implementation of Regional Strategies

The proposal is consistent with the Lower Hunter Regional Strategy and the Lower Hunter Conservation Plan.

6.2 Reserving Land for Public Purposes

- The objectives of this direction are:
- to facilitate the provision of public services and facilities by reserving land for public purposes, and
- to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

Should the reclassification be supported, the public reserve status of the land will be no longer appropriate and should be revoked. The reasons for this are provided elsewhere in this report.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

The land is not known to contain critical habitat or threatened species, populations or ecological communities, or their habitats. The PS CKPOM identifies the land as supplementary habitat for the koala. The land is located within the LHR green corridor or but is not identified by the Lower Hunter Conservation Plan as being of conservation significance. No studies have been undertaken to assess the presence of threatened species on the land or on the impact of development of the land on such species. It is noted that the land is mainly cleared grassland.

8. Are there any other likely environmental effects that may result from the Planning Proposal and how are they proposed to be managed?

The Planning Proposal itself does not have an environmental impact. The environmental impacts of development would be dependent on the nature of development that may take place following reclassification.

9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The land is generally unused other than use of part of the land by the Pony Club. While the Planning Proposal does not directly affect the Pony Club's use of the land, Council will consult the Club during the exhibition of the Planning Proposal.

The proposed reclassification of the land follows a review of the open space needs of the Local Government Area and it is consistent with Council's wider policy framework.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

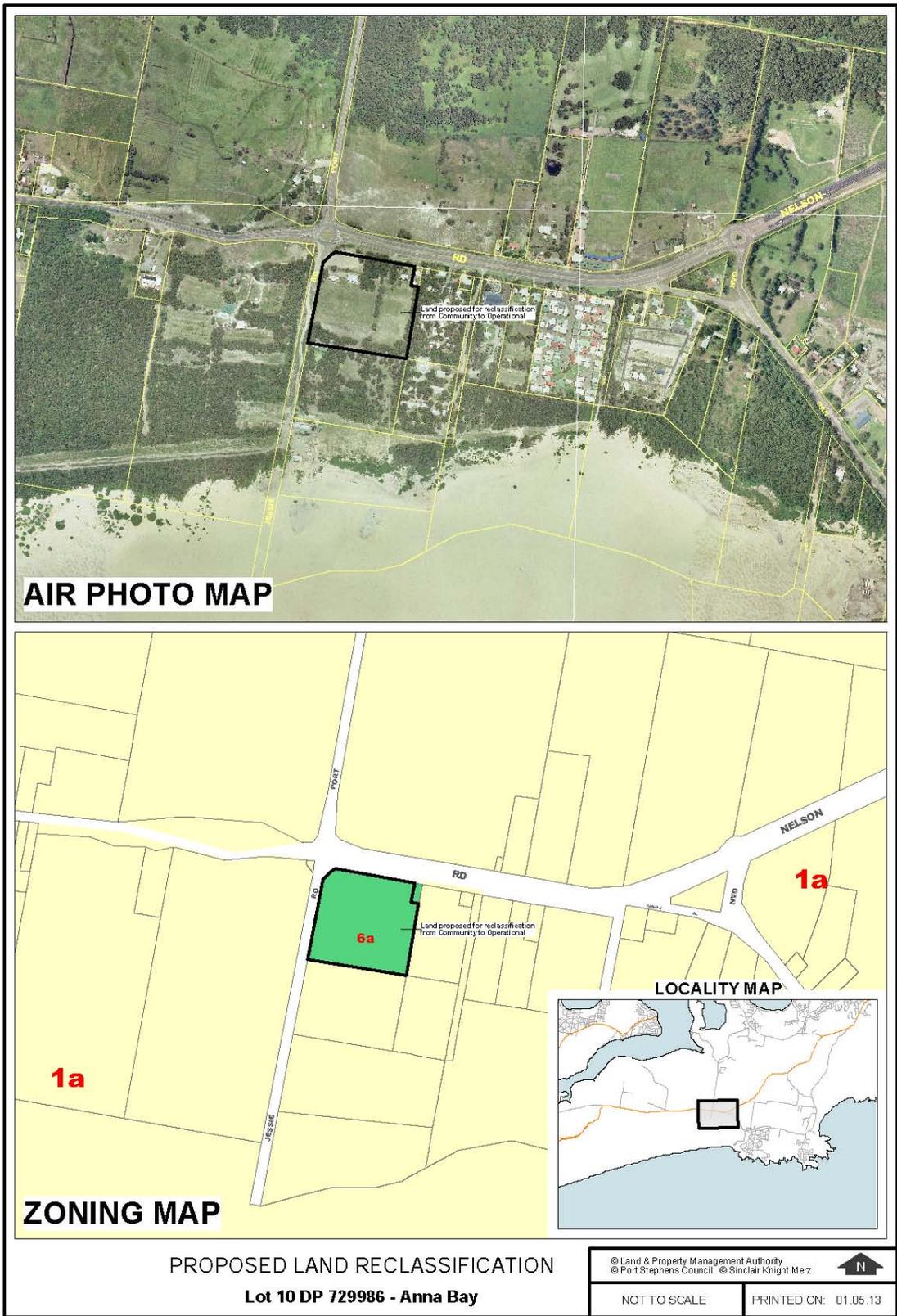
The Planning Proposal itself does not generate a need for public infrastructure. Any later rezoning or development of the land may require additional public infrastructure. Water, and electricity and telecommunication services are currently provided to the area. Reticulated sewer is not available and the adjacent properties rely on site systems.

Nelson Bay Road has considerable vehicular capacity adjacent to the land (dual carriageway). Jessie Road is unpaved and would require upgrading in association with any development proposal. The RTA is likely to oppose direct access from the land to Nelson Bay Road, making any future development dependent on Jessie Road for access.

11. What are the views of State and Commonwealth public authorities consulted?

No consultation has been undertaken with other authorities. Consultation with relevant authorities should be undertaken in accordance with the Gateway Determination, if directed.

Part 4 - Mapping



Part 5 – Community consultation

Community consultation will be undertaken in accordance with the requirements of section 57 in the *Environmental Planning and Assessment Act 1979*, section 29 in the *Local Government Act 1993* and the Department's guideline "A guide to preparing local environmental plans" (April 2013).

The planning proposal is proposed to be exhibited for 28 days in accordance with section 5.5.2 in this guideline, the Department's LEP Practice Note *PN 09-003: Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council land*. The exhibition will be advertised in the local newspaper and on Council's website. In addition, the Anna Bay Pony Club will be specifically consulted with, and adjoining landowners will be notified of the proposal.

A public hearing is also required to be held. The public hearing will be undertaken in accordance with section 5.5.3 in the Department's guideline. A copy of LEP Practice Note PN 09-003 and the Best Practice Guidelines will also be included as part of the public exhibition documentation. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing.

Part 6 – Project Timeline

The following table provides an indicative timeline for the draft local environmental plan.

	Description of Task	Timeline
1.	Gateway Determination (including any delegated authority)	June 2013
2.	Public Exhibition (28 days)	August 2013
3.	Public Hearing	September 2013
4.	Consider submissions & finalise planning proposal	October 2013
5.	Submission to Department and/or Parliamentary Counsel	October 2013
6.	Notification (when plan is finally made)	November 2013

Location

The land being reclassified is Lot 10 DP 729986 (2 Jessie Road, Anna Bay) ("the site"). It is shown on the map at Figure 1. An aerial photograph of the land is at Figure 2.

The land is located in a rural area in the suburb of Anna Bay in the Port Stephens Local Government Area.

Figure 2: Lot 10 DP 729986 (2 Jessie Road, Anna Bay)

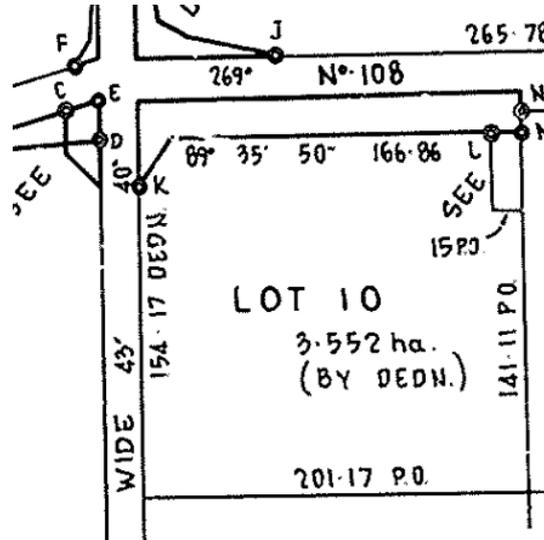
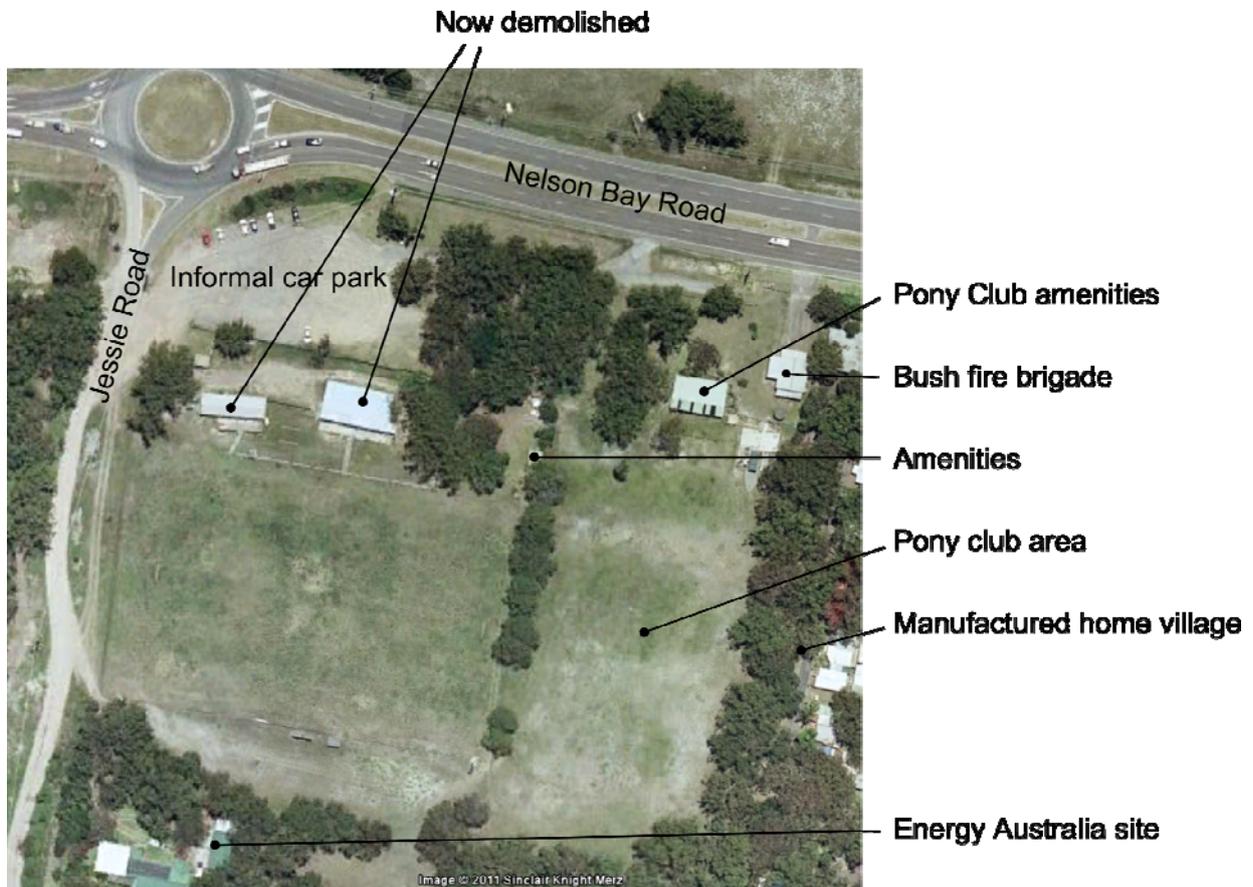


Figure 3: Aerial photograph of the land



Land description

Lot 10 DP 729986 was formerly used as a sportsground. This use has ceased and most of the related infrastructure has been removed. The eastern part is still used by the Nelson Bay Pony Club (photographs of the land are from Figure 3 to 8) under a licence agreement that expires in 2013.

The land is 35,520 square metres in area and has a frontage to Jessie Road and Nelson Bay Road.

At the intersection of Nelson Bay Road and Jessie Road is a large roundabout, which is also the intersection with the northern end of Port Stephens Drive, a major access to the Soldiers Point and Salamander Bay areas. Nelson Bay Road is the only route into the Tomaree Peninsula. That part of Nelson Bay Road adjacent to Lot 10 has a divided carriageway (as shown in Figure 5).

The shape of the land is rectangular. It is zoned 6(a) General Recreation. It is classified as Community Land, and categorised as Sports field. Access to the land is from Nelson Bay Road and Jessie Road. The land is located approximately 2 kilometres from the nearest residential area (at Anna Bay), under 2.5 kilometres from the shopping centre at Anna Bay, and just under 2 kilometres from the Taylors Beach light industrial area.

The land is largely cleared, although there are canopy trees in the picnic area in the northeastern corner of the land (see Figure 6).

The land contains a small amenities block near its centre and the amenities appear to be still used by the Pony Club. The Pony Club also has an amenities block and some storage located in the northeastern part of the land (Figure 7). The land has a number of floodlight towers.

An unpaved informal car park is located in the northwestern corner of the land (Figure 8). The car park appears to be used by commuters for car pooling. A transmission line is located partially within the land and within the road reserve to Nelson Bay Road and Jessie Road (note: this should be confirmed by survey). The road reserve of Nelson Bay Road is considerably wider than the carriageway.

Figure 4: The western part of Lot 10, looking S from Nelson Bay Road



Figure 5: View of the land from its SW corner



Figure 6: Nelson Bay Road frontage looking E



Figure 7: Woodland and picnic area on the eastern part of the Nelson Bay Road frontage



Figure 8: Pony Club amenities block



Figure 9: Informal car park and power lines over, occupying part Lot 10 and part road reserve.



Current classification

The land is classified as Community Land and categorised as Sports field. Generic Plan of Management (POM) provisions govern it, and there are no site specific POM provisions applying to the site. The land is a public reserve.

Current zoning

The land is zoned 6(a) General Recreation under the Port Stephens Local Environmental Plan 2000, as shown in Figure 9. The surrounding land is zoned 1(a) Rural Agriculture A. A description of each of the zones and land use provisions is shown in Tables 1 and 2, respectively.

Figure 10: Land Use zones

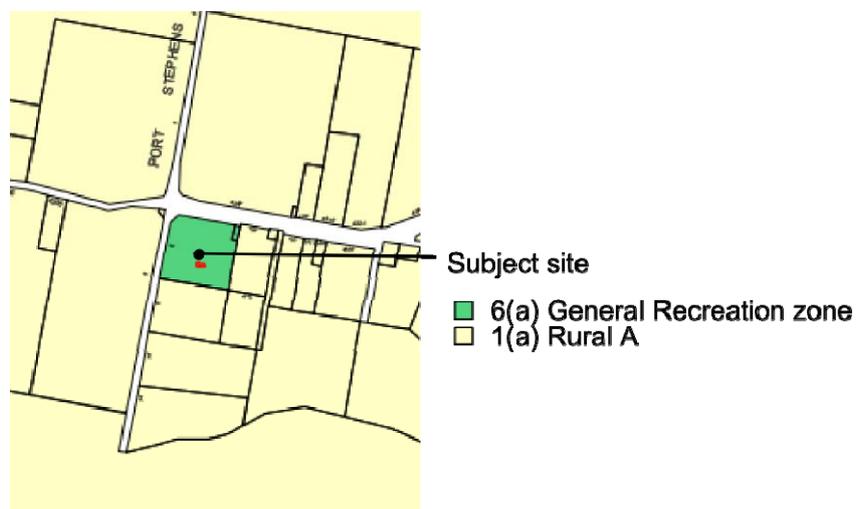


Table 1: Land Use table Zone 6(a)

<p>Zone No 6 (a)—General Recreation “A” Zone</p> <p>(1) Description of the zone</p> <p>The General Recreation “A” Zone contains land that is currently used or is available to be used for both active and passive recreation. The zone generally relates to recreation reserves, foreshores, bushland and other land reserved for the public. It can include a number of recreational developments, such as playing fields, children’s playgrounds and bushland parks, and may include services and facilities catering for users of the reserve.</p> <p>(2) Objectives of the zone</p> <p>The objectives of the General Recreation “A” Zone are:</p> <ul style="list-style-type: none">(a) to identify publicly owned land and ensure that it is available for open space recreation, and(b) to provide an open space network to serve the present and future recreational needs of residents and visitors, and(c) to permit development associated with, or complementary to, open space, and(d) to allow development on foreshores where that development is water related and enhances the recreational use or natural environment of the foreshore, and(e) to preserve the aesthetics of land which is prominent and visible to the public along foreshore areas, and(f) to reserve privately owned land that is essential for future public open space and to provide for its acquisition by the Council. <p>(3) Development allowed without development consent</p> <p>Exempt development, Works for the purpose of landscaping or gardening.</p> <p>(4) Development allowed only with development consent</p> <p>Development for the purpose of: advertisements, agriculture, aquaculture, bushfire hazard reduction, camp or caravan sites, child care centres, clearing native vegetation, clubs, community facilities, dams, earthworks, educational establishments, forestry, helicopter landing sites, marinas, places of assembly, race tracks, recreation areas, recreation facilities, restaurants, telecommunications facilities, utility installations.</p> <p>(5) Development which is prohibited</p> <p>Any development not included in Item 3 or 4.</p>
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Table 2: Land Use table Zone 1(a)

<p>Zone No 1 (a)—Rural Agriculture “A” Zone</p> <p>(1) Description of the zone</p> <p>The Rural Agriculture “A” Zone identifies land which is of agricultural value and land which has not been set aside for rural residential development.</p> <p>(2) Objectives of the zone</p> <p>The objective of the Rural Agriculture “A” Zone is to maintain the rural character of the area and to promote the efficient and sustainable utilisation of rural land and resources by:</p> <ul style="list-style-type: none">(a) regulating the development of rural land for purposes other than agriculture by ensuring that development is compatible with rural land uses and does not adversely affect the environment or the amenity of the locality, and(b) ensuring development will not have a detrimental effect on established agricultural operations or rural activities in the locality, and(c) preventing the fragmentation of grazing or prime agricultural lands, protecting the agricultural potential of rural land not identified for alternative land use, and minimising the cost to the community of:<ul style="list-style-type: none">(i) fragmented and isolated development of rural land, and(ii) providing, extending and maintaining public amenities and services, and(d) protecting or conserving (or both protecting and conserving):<ul style="list-style-type: none">(i) soil stability by controlling development in accordance with land capability, and(ii) trees and other vegetation in environmentally sensitive localities where the conservation of the vegetation is likely to reduce land degradation or biodiversity, and(iii) water resources, water quality and wetland areas, and their catchments and buffer areas, and(iv) land affected by acid sulphate soils by controlling development of that land likely to affect drainage or lower the water table or cause soil disturbance, and(v) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits, and(e) reducing the incidence of loss of life and damage to property and the environment in localities subject to flooding and to enable uses and developments consistent with floodplain management practices. <p>(3) Development allowed without development consent</p> <p>Development for the purpose of: agriculture, flood mitigation works authorised by the Hunter Valley Flood Mitigation Act 1956. Exempt development.</p> <p>(4) Development allowed only with development consent</p> <p>Subdivision permitted by clause 12. Any other development not included in Item 3 or 5.</p> <p>(5) Development which is prohibited</p> <p>Development for the purpose of: boarding-houses, brothels, bulky goods salesrooms or showrooms, bus stations, commercial premises, depots, hazardous industries, hazardous storage establishments, industries, liquid fuel depots, material recycling facilities, medical centres, mortuaries, motor showrooms, offensive industries, offensive storage establishments, places of assembly, restricted premises, road transport terminals, service stations, shops, urban housing, warehouses. Subdivision other than subdivision permitted by clause 12.</p>
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Neighbouring sites

An aerial photograph of the land and the surrounding sites is at Figure 10.

Anna Bay Fire Station occupies Lot 398 DP 753204 adjacent to the northeast corner of the land.

An older caravan park/manufactured home village is located to the east of the land (Figure 11). The caravan park appears to have a number of permanent residents. A nursery, rural property and a number of manufactured home villages are further to the east. A small tourism resort is located to the southeast.

Nelson Bay Road is adjacent to the north and Jessie Road is adjacent to the west (Figure 12) of the land. Further to the north and west are rural properties.

To the south is a detached house on a property owned by Energy Australia (it may be the site for a new substation).

At the southern end of Jessie Road is a sand extraction business. As a result heavy vehicles use Jessie Road.

All neighbouring sites are zoned 1(a) Rural Agriculture A. A zoning map is at Figure 9.

Figure 11: Aerial photograph of the surrounding area

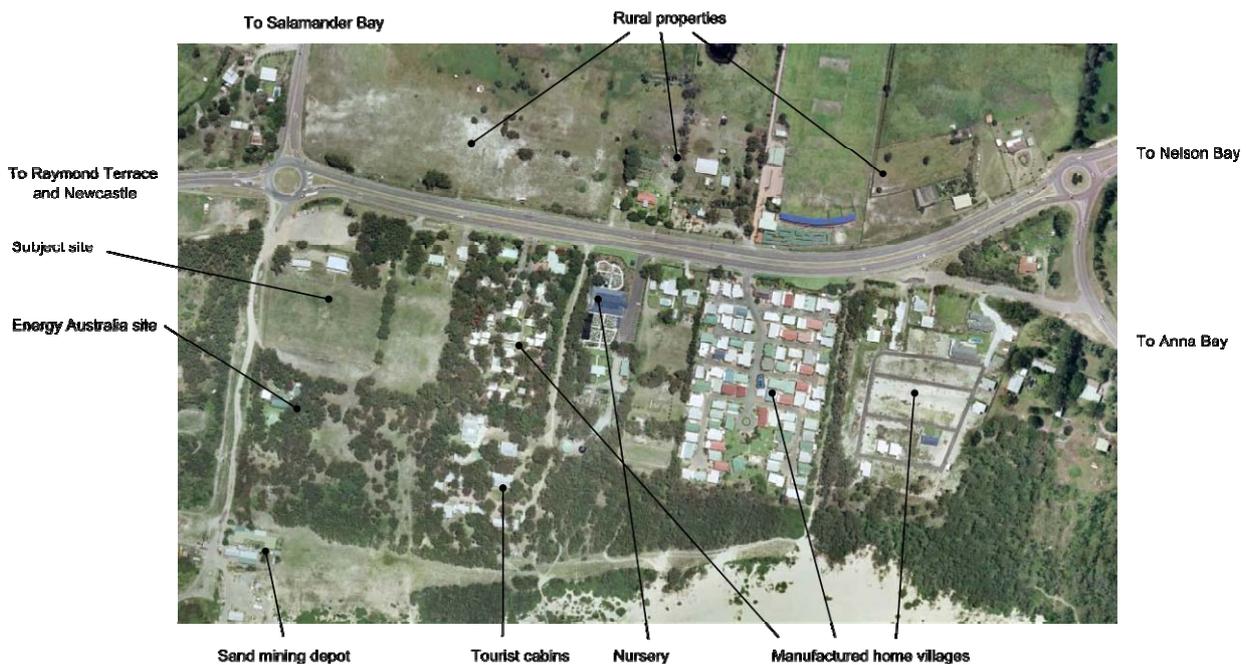


Figure 12: Manufactured Home Village/ Caravan Park to the east of the land



Figure 13: Jessie Road, looking N along the W boundary of the land



Why did Council acquire an interest in the land?

The land appears to have been vested in Council as public reserve (part R46538) by Government Gazette dated 3 September 1976 (folio 3747).

Current Agreements

There is a licence agreement in place with Anna Bay Pony Club over part of the lot as shown hatched in red (as shown in Figure 13 below) for equestrian activities and other recreation activities. The licence has a termination date 30/12/2013. The continuation of Pony Club activities will be discussed with the Club prior to the termination of the **Planning Proposal - Reclassification of 2 Jessie Road Anna Bay: Version 1.0 (02 May 2013)**

agreement, as is consistent with Council's usual practice. The Pony Club will also be consulted as part of the reclassification process. The balance of the land appears to be not used regularly by any users.

Figure 14: Licensed Area - Nelson Bay Pony Club



Financial implications for Council

A number of options are open to Council should the land be reclassified. These are:

- Disposal (sale of the land)
- Lease or licencing of the land
- Use of the land for a Council operational purpose

The revenue from any of these options is dependent a range of factors, including the following:

- Whether the transaction is with a group where Council seeks a less than market return
- The market value of the tenure arrangement
- The proposed use
- The land use zone that applies at the time of sale/lease/licencing
- The state of the land market at that time
- The presence of any preparatory studies undertaken by Council might reduce market risk

The presence of any works undertaken by Council that may contribute to the final use.

The 2010 valuation of the land notified by the NSW Valuer General is \$164,000. This valuation is based on the land as open space. This Planning Proposal maintains the open space zoning on the land.

Would other interests in the land be extinguished or retained through reclassification?

There is no purpose served by maintaining the public reserve status of the land should it be reclassified to operational land. Consequently the public reserve status should be extinguished.

Should such interests be extinguished?

The land is not required to be community land. In order to maximise the potential uses on the land it is proposed to reclassify the land as operational land. The public reserve status of the land would no longer be appropriate.

Is any rezoning associated with the reclassification?

Council seeks to maintain the existing zoning of the land. Rezoning of whole or part of the land may be sought in the future.

Council's intention

Council's intention is to reclassify the land in order to enable a wide range of potential uses to be explored for the land.

What relationship does the future use of the land have to Council's asset management objectives?

Reclassification of the land is consistent with Council's asset management and policy framework for open space. The land no longer needs to be classified as community land.

Additional Background information on the land

Land characteristics

Bushfire Management

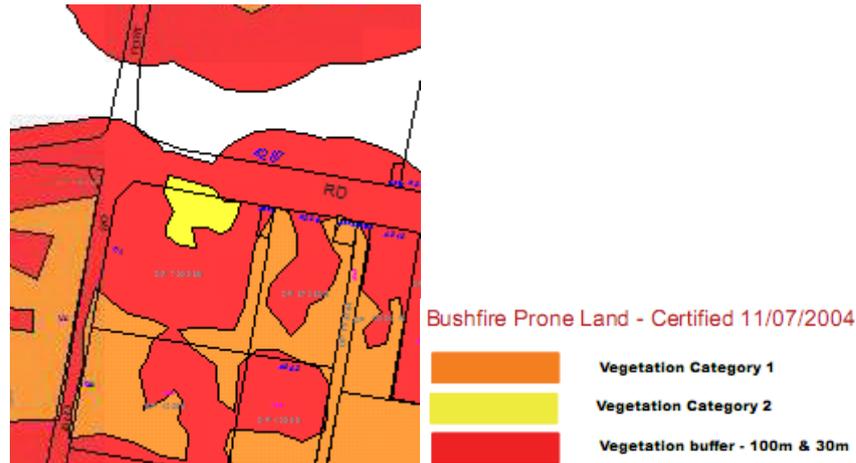
The land is categorised as "bush fire prone". This means that it can either support a bushfire or be subject to bushfire attack. Vegetation Category 1 areas are the most hazardous vegetation category, followed by Vegetation Category 2 and Vegetation Buffer.

The mapping of bushfire prone land shows that the land falls into Vegetation Category 1 on the eastern and southern edges, Vegetation Category 2 over most of the site, and Vegetation Buffer over a small area of land near the centre of its northern boundary.

The implications of this categorisation of the land is that significant measures will need to be taken to manage bushfire hazards on the land, with the extent of any measures being dependent on the proposed use.

A detailed bushfire hazard assessment of the land is likely to modify the level of hazard indicated by the broad scale mapping. Some areas of high hazard shown on the mapping appear to overstate risk because they are actually cleared areas (e.g. Nelson Bay Road). Consequently it is recommended that a detailed hazard assessment be undertaken when considering development options for the land (which would be required to accompany a development application in any case).

Figure 15: Bushfire Hazard



Aircraft Noise

Aircraft noise is a major development constraint in many parts of Port Stephens LGA. However the land is not affected by the ANEF associated with the operation of RAAF base Williamstown.

Flooding

The land is not flood prone. However, land to the north is flood prone, as shown by Figure 14.

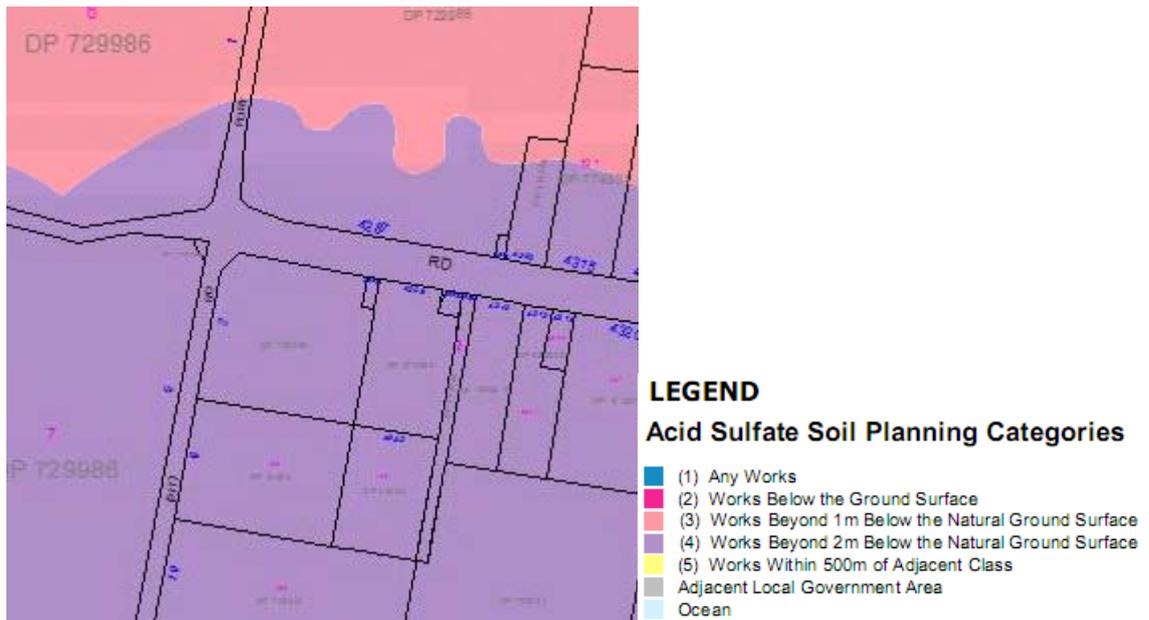
Figure 16: Flood prone land



Acid Sulfate Soils

In common with much of Port Stephens LGA, the land has the potential for acid sulphate soils. It is categorised Category 4 for acid sulphate soils -works below 2m below natural ground surface, as shown in Figure 15. The implications of this are that any development on the land likely to involve excavations below 2 metres should include measures to manage acid sulphate soils. It is not a significant development constraint on the land, for most development scenarios.

Figure 17: Acid Sulphate Soils



Vegetation

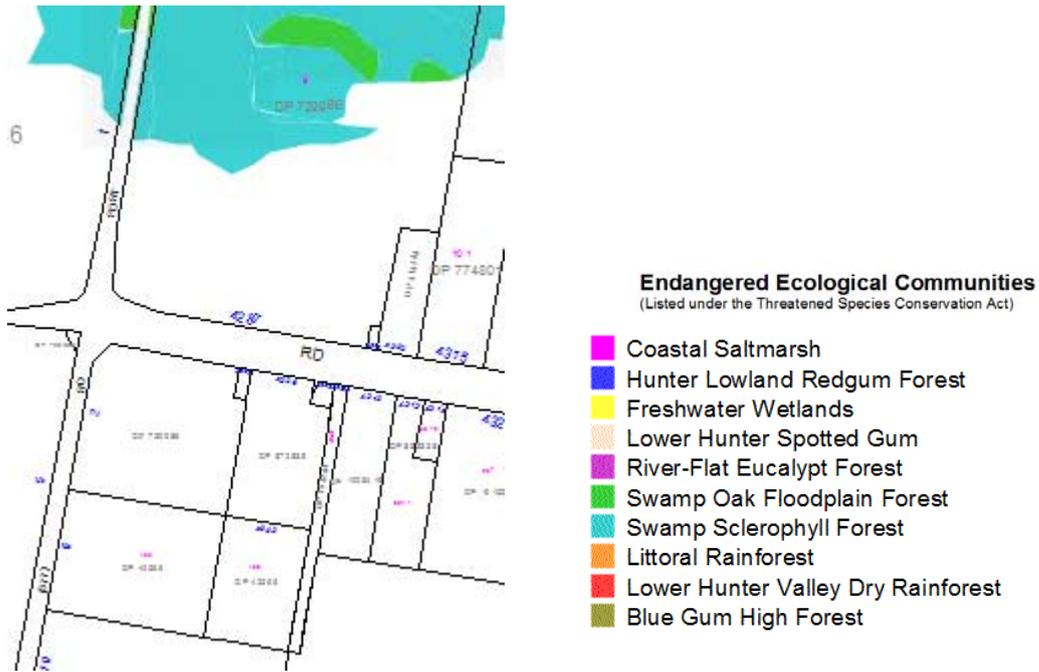
The land is largely cleared with a small area of native woodland with a mown grass understorey adjacent to the northeastern road frontage. The lots to the east, west and south of the land contain a mixture of woodland with a grass understorey, and cleared land covered by grass (and also manufactured homes in the case of the lot to the east). The woodland appears to be a remnant of the original native vegetation cover, and not planted.

Council's mapping indicates that the woodland area contains Coastal Sand Apple – Blackbutt Forest

There are no endangered ecological communities on the land, although land to the north contains EECs Swamp Sclerophyll Forest and Swamp Oak Floodplain Forest, as shown in Figure 16.

Council's Conservation Assessment Tool scores the Planning Unit within which the lands are located as low conservation significance (CAT score of 37-79)

Figure 18: Location of EECs



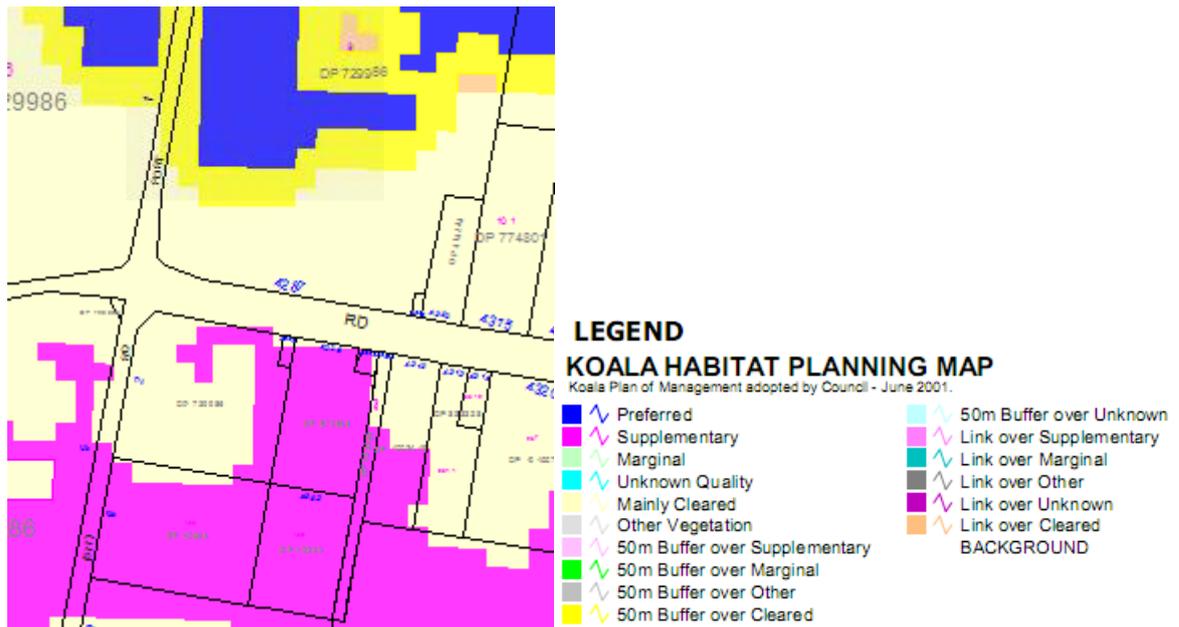
CKPOM

The land is categorised as “mainly cleared” under the Port Stephens Comprehensive Koala Plan of Management (PS CKPOM), except for a strip of supplementary habitat along the northern and eastern boundaries, as shown in Figure 17. It is noted that the broad scale mapping of the affected areas also includes cleared land as habitat, such as the pony club fields. These inaccuracies would be identified as part of the more detailed investigations associated with any rezoning or development application for the land.

The Port Stephens Local Environmental Plan requires that development applications must comply with the provisions of the PS CKPOM. In the case of the supplementary koala habitat, the PS CKPOM seeks to allow for development that has a low impact on the koala population.

The implications of the CKPOM are that the impacts on the koala population of any clearing or modification of tree over adjacent to the eastern and northern boundary of the land would need to be considered in developing development options for the land. The trees along the northern boundary appear to be an isolated parcel and are not on a koala movement corridor; consequently, their value may be more aesthetic rather than as habitat for native fauna.

Figure 19: Land categories in the PS CKPOM



Agricultural uses and potential

The land is not used for agricultural purposes, and it is not classified as prime agricultural land.

COUNCIL REPORT OF 13 MARCH 2012

COUNCIL COMMITTEE – 13 MARCH 2012

ITEM NO. 6

FILE NO: PSC2009-00382

RECLASSIFICATION OF LOT 10 IN DEPOSITED PLAN 729986, 2 JESSIE ROAD, ANNA BAY (FORMER ANNA BAY OVAL)

REPORT OF: CARMEL FOSTER - COMMERCIAL PROPERTY MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) As Landowner supports the preparation and lodgement with Council as the Planning Authority of a planning proposal for the reclassification of 2 Jessie Road, Anna Bay, from community to operational land.

BACKGROUND

The purpose of this report is to seek Council's consent to prepare and submit a Planning Proposal to reclassify 2 Jessie Road, Anna Bay (former Anna Bay Oval).

The land is a 3.5 hectare near level corner allotment located on the south eastern corner of the roundabout that links Nelson Bay Road, Port Stephens Drive and Jessie Road at Anna Bay. Nelson Bay Road and Port Stephens Drive are the main vehicle access routes to Nelson Bay, Salamander Bay and Soldiers Point - Attachment 1.

The bulk of the land was previously utilised as an active recreational area however is now surplus to Council's needs. A pony club has a licence for the use of part of the land and has a structure to store equipment located near the eastern boundary. The membership of the Pony Club has diminished over recent years as there is a new/modern facility that has been constructed at nearby Salt Ash that Pony Club members in the local government area have begun to utilise more. Further discussions will need to be held with the Pony Club to determine their tenure expectations.

Due to the property's location there are various potential uses that have been discussed however it is now essential that further analysis of the demand and impact of the uses suggested is undertaken to be brought before Council so that a suitable use can be decided and an appropriate zoning proposal can be prepared.

Some of the uses that have been proposed for the land would not require rezoning and are permissible under the current 6 (a) zoning. However all suggested potential uses would require a reclassification of the land.

FINANCIAL/RESOURCE IMPLICATIONS

As part of the strategic review of open space undertaken some years ago a substantial amount of work has been completed that can be utilised in the preparation of the planning proposal. Fees for the lodgement of the Planning

COUNCIL COMMITTEE – 13 MARCH 2012

Proposal will have to be paid to the Community Planning & Environmental Services in accordance with the Fees and Charges policy.

As the land is surplus to the open space needs an alternate use should be identified to alleviate the ongoing maintenance cost.

LEGAL, POLICY AND RISK IMPLICATIONS

The reclassification is subject to the NSW Department of Planning and Infrastructure's (DoPI) Gateway Process that requires the planning proposal to be prepared in accordance with s55(3) of the EP&A Act.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
DoPI rejects the reclassification of the land and it remains unutilised and a maintenance burden to Council.	Low	Ensure the planning proposal is a robust document that supports the reclassification with sufficient justification.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The land is surplus to the open space requirements of the local government area and there are higher and better opportunities for the use of the land that could provide a financial and economic benefit to the community.

CONSULTATION

- 1) A Two-Way conversation was held with Councillors to discuss this matter on 21 February 2012;
- 2) Community Planning & Environmental Services;
- 3) Asset Services;
- 4) Senior Leadership Team;
- 5) Strategy Hunter.

OPTIONS

- 1) Accept the Recommendation;
- 2) Amend the Recommendation;
- 3) Reject the Recommendation.

ATTACHMENTS

- 1) GIS Aerial;
- 2) Aerial Photograph.

COUNCIL COMMITTEE – 13 MARCH 2012

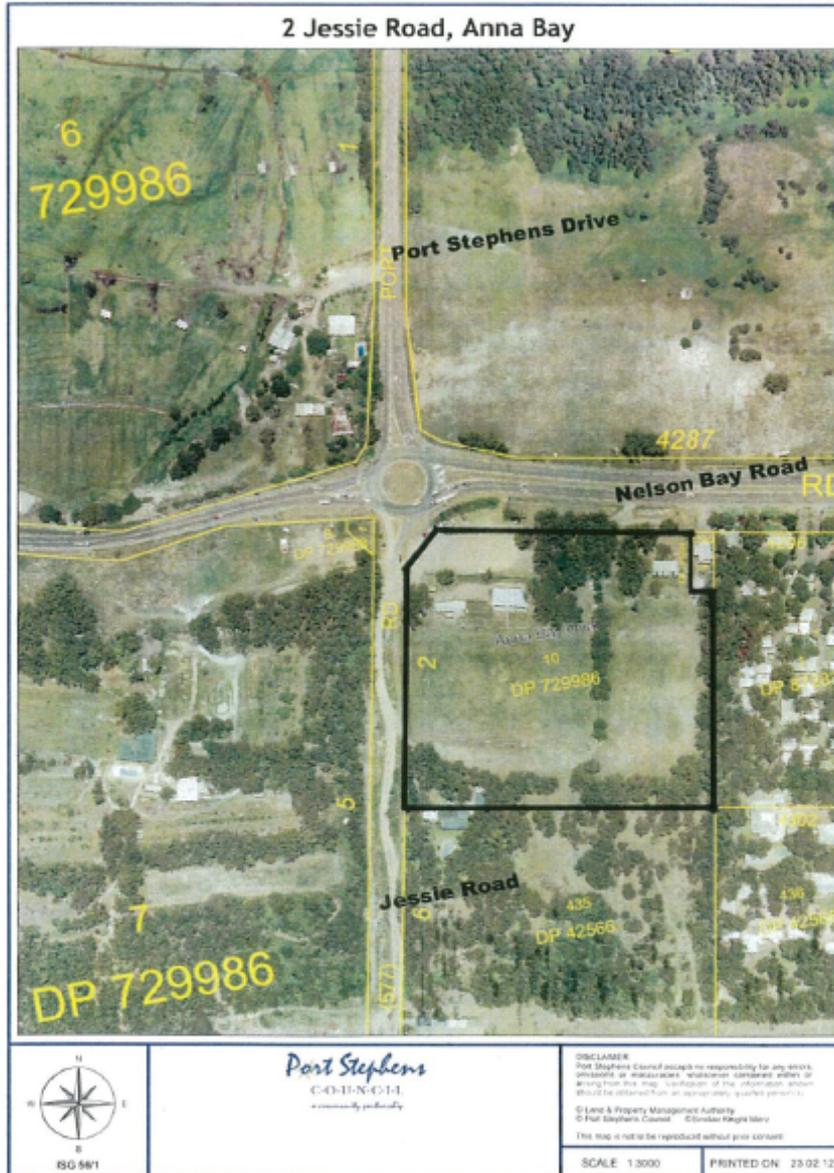
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 2



COUNCIL RESOLUTION OF 27 MARCH 2012

MINUTES ORDINARY COUNCIL – 27 MARCH 2012

ITEM NO. 6

FILE NO: PSC2009-00382

RECLASSIFICATION OF LOT 10 IN DEPOSITED PLAN 729986, 2 JESSIE ROAD, ANNA BAY (FORMER ANNA BAY OVAL)

REPORT OF: CARMEL FOSTER - COMMERCIAL PROPERTY MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) As Landowner supports the preparation and lodgement with Council as the Planning Authority of a planning proposal for the reclassification of 2 Jessie Road, Anna Bay, from community to operational land.

**COUNCIL COMMITTEE MEETING – 13 MARCH 2012
RECOMMENDATION:**

	Councillor Bruce MacKenzie Councillor John Nell
	That the recommendation be adopted.

**ORDINARY COUNCIL MEETING – 27 MARCH 2012
RESOLUTION:**

046	Councillor Ken Jordan Councillor Sally Dover
	It was resolved that the Council Committee recommendation be adopted.