

# Planning Proposal Reclassification of Community Land Part of 100 & 174A Salamander Way, Salamander Bay

**Proposed amendment to Port Stephens Local  
Environmental Plan 2013**

Reclassification of Community Land  
Part of 100 & 174A Salamander Way (Part of Lots 21 &  
23 DP 1044009) Salamander Bay

## FILE NUMBERS

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**Port Stephens Council:** 58-2022-4-1 (Version 3.0 Exhibition)

**NSW Department of Planning and Environment:** PP-2022-2174

## SUMMARY

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<b>Subject land:</b>	Part of Lot 21 DP 1044009 (100 Salamander Way, Salamander Bay) Part of Lot 23 DP 1044009 (174A Salamander Way, Salamander Bay)
<b>Proponent:</b>	Barr Planning Pty Ltd (for St Philip's Christian Education Foundation Pty Ltd)
<b>Proposed changes:</b>	Reclassification from Community land to Operational land
<b>Area of land:</b>	1.3 hectares
<b>Lot yield:</b>	Not applicable

## BACKGROUND

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The planning proposal seeks to reclassify a portion of land within 100 and 174A Salamander Way, Salamander Bay (also known as Lot 21 and Lot 23, DP 1044009) from Community Land to Operational Land.

The broader site is split zoned part C2 Environmental Conservation, RE1 Public Recreation and SP2 Infrastructure (School/Child care centre) under the Port Stephens Local Environmental Plan 2013 (LEP). The reclassification will only apply to the portion of the lots zoned as SP2 Infrastructure (School/Child care centre). The reclassification boundary will reflect the existing SP2 Infrastructure zoning on the two subject lots, which has an approximate area of 1.3 hectares. A subdivision will follow to create new lots to match the existing zone boundary.

The subject land proposed for reclassification is currently occupied by St Philip's Christian College Port Stephens for use as a car park and extension of its playing fields under a 21-year license with Port Stephens Council. The subject site is Community Land under the Local Government Act 1993 (NSW) (LG Act) and is zoned SP2 Infrastructure (School/Child care centre). The land is owned by Port Stephens Council as indicated in a certificate of title obtained on 28 January 2021. Reclassification from Community Land to Operational Land is sought in order to transfer the licenced land to the ownership of St Philip's Education Foundation Pty Ltd, the organisation that oversees various St Philip's Christian College campuses.

St Philip's Christian College was founded in 1982 and currently operates six schools across Newcastle, Port Stephens, Cessnock, and Gosford. St Philip's Christian College has been owned and operated by St Philip's Christian Education Foundation Limited, a not-for-profit company, since 1985. St Philip's Christian College Port Stephens at 182 Salamander Way, Salamander Bay has operated since 1995. The school provides education services to students ranging from early learning to primary and secondary schooling. The school site has been subject to progressive development and expansion ranging from landscaping and playing field extensions to demountable classrooms to construction of a three-storey senior school building.

A licence agreement was issued by Council in July 2016 for a 21-year period for the 'Construction and maintenance of an area for car parking and playing fields'. Development Application 16-2016-770-1 was approved in June 2017 and allowed the construction of a car park, playground extension and relocation of fire trail. The licence and development application apply to the school site as well as the Council-owned subject site. Currently, the car park completed in 2019 operates for the benefit of the school.

On 28 September 2021, Council resolved to commence the reclassification process for the proposed footprint shown in *Figure 1 Site Location*.

The desired outcome of the reclassification is the eventual subdivision and transfer of ownership the subject site from Port Stephens Council to St Philip's Education Foundation Pty Ltd, through an acquisition process. This fully consolidates the St Philip's Christian College Port Stephens campus to include the land upon on which infrastructure, constructed and operated by St Philip's, is situated. Further physical works or development of the subject land is not proposed. The planning proposal seeks to facilitate a development application for the purpose of subdivision for future acquisition to occur.

## **SITE**

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This planning proposal applies to a 1.3 hectare area within 100 and 174A Salamander Way, Salamander Bay, otherwise known as Lot 21 DP 1044009 and Lot 23 DP 1044009 respectively.

The subject land is occupied in the north by a sealed formal car park and in the south by part of turfed playing fields, both of which are in service of St Philip's Christian College Port Stephens. An unsealed track extends south from the car park to a gated fire trail to the east. The site is accessed via a roundabout off Salamander Way. With the exception of the turfed playing fields, the site is generally clear of vegetation. The site is partially mapped as containing bushfire prone land, coastal wetland, and biodiversity values despite being cleared and developed. The site is mapped as Class 3 acid sulphate soils. The site is not identified as containing any Indigenous or non-Indigenous heritage.

*Figure 1 Site Location*



The proposed reclassification of the subject land from Community Land to Operational Land has significant strategic merit as it is consistent with the SP2 Infrastructure (School/Child care centre) land use zone, regional and local planning strategies and the existing development on the site.

### Land Use Zone

The area of the site subject to reclassification is zoned SP2 Infrastructure (School/Child care centre). The zone objectives listed in the LEP Land Use Table are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The reclassification will facilitate the acquisition and incorporation of the subject site land with the St Philip's campus, which will ensure the long-term security of educational infrastructure. As a result, the reclassification will contribute to the provision of infrastructure and related uses. The reclassification will not vary the permissible or prohibited uses under the SP2 Infrastructure zone or exceed the relevant development standards. The reclassification will therefore not encourage development that is not compatible with, or that may detract from infrastructure provision.

### Existing Split Zone

The broader site, being both 100 and 174A Salamander Way, is split-zoned as part C2 Environmental Conservation, RE1 Public Recreation and SP2 Infrastructure (School/Child care centre). The split zoning is considered undesirable, as undertaking any planning or development is typically reflective of the spatially dominant environmental zoning. The Community Land, being the entirety of the lots, is currently listed as natural areas (bushland, wetland) under Council's Natural Areas Generic Plan of Management 2003, which incorrectly reflects the SP2 Infrastructure (School/Child care centre) zoned areas of the lots. The reclassification and proposed subsequent subdivision along the zone boundaries will clearly delineate between conservation and infrastructure provisions, recognising the infrastructure purpose of the site whilst maintaining the environmental management status of the remnant lot portions.



Figure 2 Area Subject to Reclassification (Aerial)

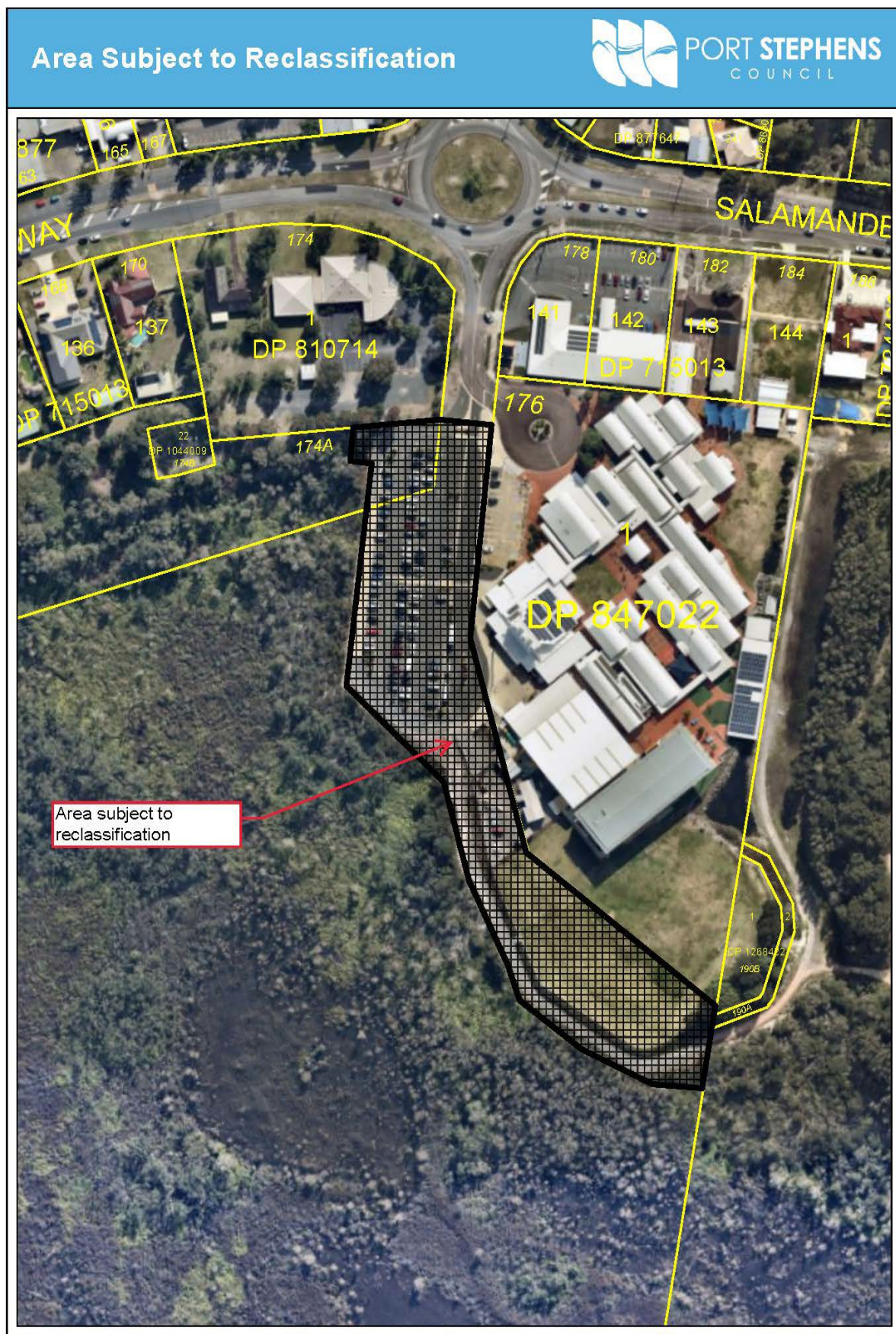
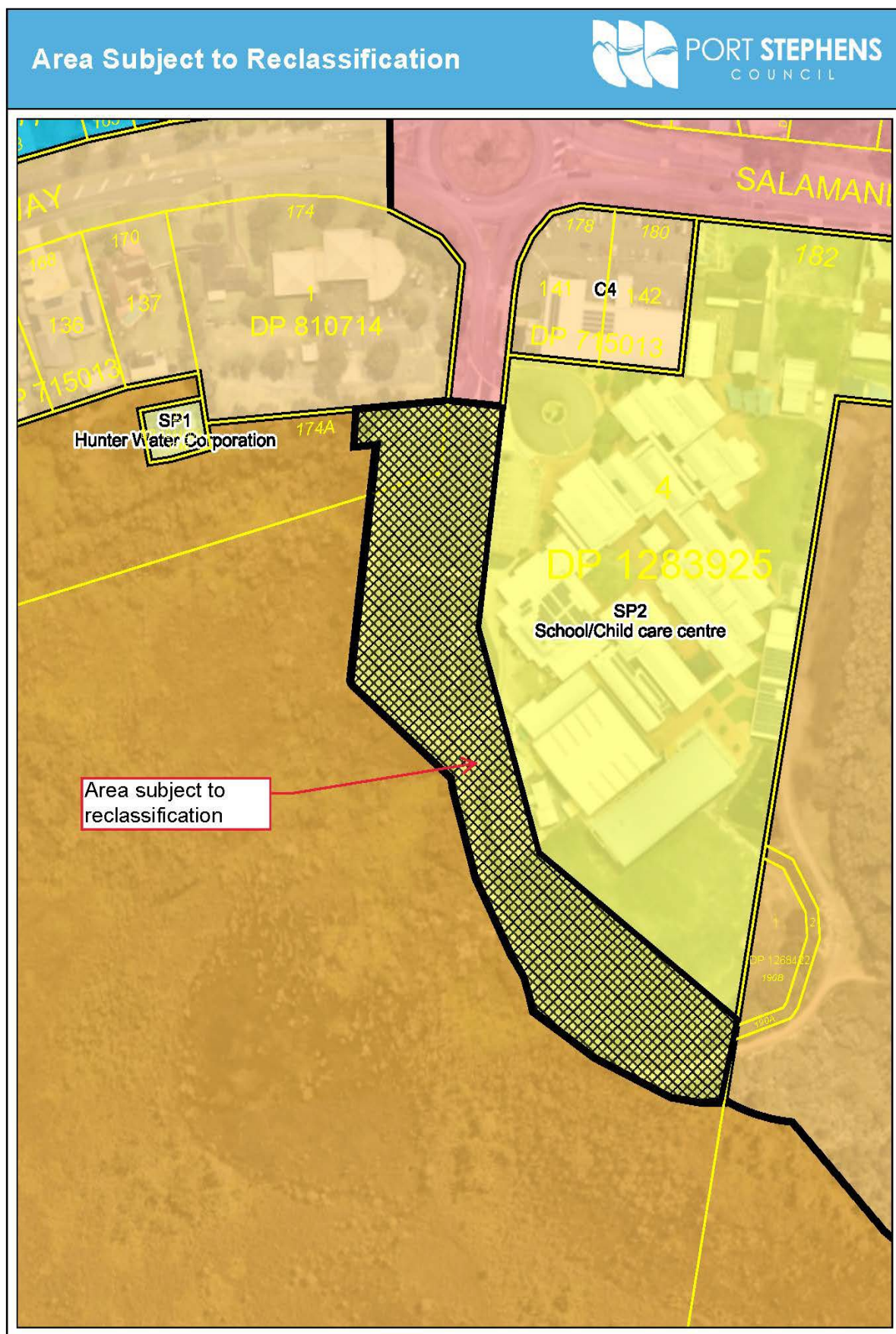




Figure 3 Area Subject to Reclassification (Zoning)



## PART 1 – Objectives and intended outcomes

The planning proposal seeks to achieve the following outcome:

- To reclassify the subject site from Community Land to Operational Land.

The planning proposal will enable the subdivision of the lots present on the site and allow for Council's divestment of the parcel zoned SP2 Infrastructure (School/Child care centre).

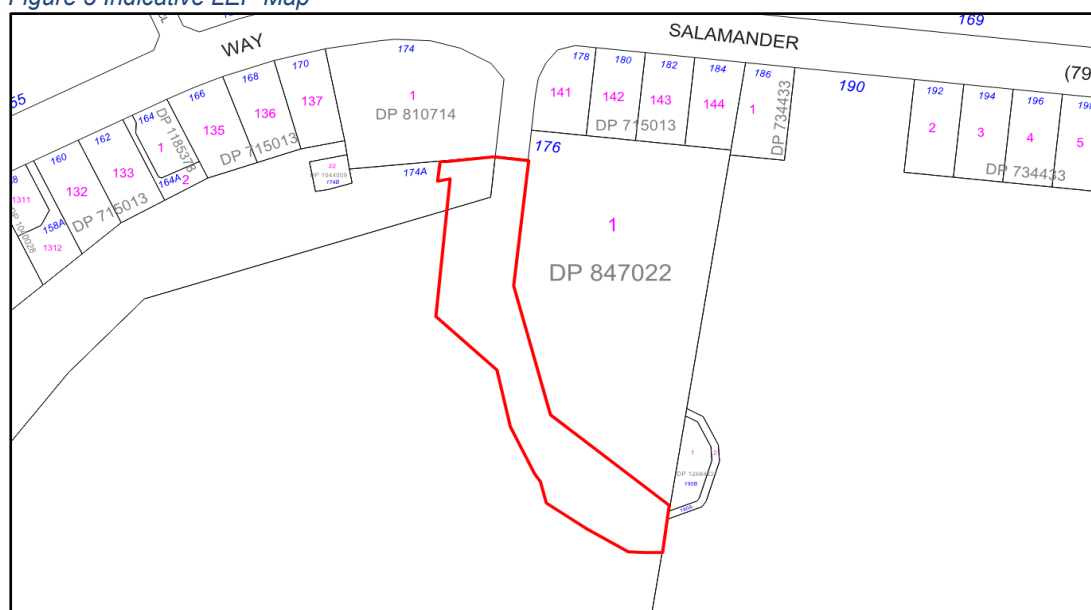
## PART 2 – Explanation of provisions

The objectives of the planning proposal will be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013 (LEP):

Figure 4 Proposed Amendment to Port Stephens Local Environmental Plan 2013 (LEP)

Schedule 4 Classification and reclassification of public land	
Part 1 Land Classified, or reclassified, as operational land – no interests changed	
Column 1	Column 2
Locality	Description
Part of 100 Salamander Way, Salamander Bay	Part of Lot 21 DP 1044009
Part of 174A Salamander Way, Salamander Bay	Part of Lot 23 DP 1044009

Figure 5 Indicative LEP Map





## **PART 3 – Justification of strategic and site specific merit**

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### **Section A – Need for the planning proposal**

#### **Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

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

#### **Q2. 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 only way to adhere to the relevant objectives. The land is classified as Community Land under the provisions of the LG Act, which imposes statutory limitations on the transfer of ownership. In order for St Philip's Education Foundation Pty Ltd to purchase the land, it must be classified as Operational Land in accordance with Part 2 of the LG Act. The reclassification cannot be made by council resolution under Section 31, 32, or 33 of the LG Act, therefore it must be made via LEP amendment.

### **Section B – Relationship to strategic planning framework**

#### **Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited plans or strategies)?**

##### Greater Newcastle Metropolitan Plan 2036

The proposed reclassification is consistent with the Greater Newcastle Metropolitan Plan 2036 (GNMP), which sets out strategies and actions that will drive sustainable growth across the Cessnock, Lake Macquarie, Maitland, Newcastle, and Port Stephens local government areas. The reclassification will enable St Philip's Christian College Port Stephens campus greater autonomy over its built infrastructure and open space, which will allow for flexibility and future assurance into the use and development of the site. The ability to control and plan for the land in the long-term will ensure that students, staff, and the school community can enjoy enhanced green space and amenity in accordance with Outcome 2 'Enhance environment, amenity and resilience for quality of life' of the GNMP.

##### Hunter Regional Plan 2041

The proposed reclassification is consistent with the Hunter Regional Plan 2041 (HRP). The HRP has a renewed focus on providing inclusive and vibrant local communities, as set out in Objective 3 'Create a 15 minute region made up of mixed, multi-modal, inclusive and vibrant local communities'.

Similar, to that of the existing HRP, the consolidation of the site and ultimate transfer into private ownership will maintain and reinforce educational uses across the entire site, to support the provision of continuous local employment

and education for the community. The retention of the C2 Environmental Conservation zone on the balance of the site supports the HRP objective to improve the quality of open spaces and improving the natural environment.

**Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?**

Port Stephens Local Strategic Planning Statement

The proposed reclassification is consistent with the Port Stephens Local Strategic Planning Statement (LSPS), which identifies the 20-year vision for land use in Port Stephens. It sets out social, economic and environmental planning priorities for the future and identifies when they will be delivered. The reclassification will contribute to retention of open space within the school's ownership, allowing for long term asset planning for healthy, active spaces for young people in accordance with Planning Priority 10 'Create people friendly spaces in our local centres where people can come together'. This planning proposal is relevant to the LSPS and Section 9.1 Directions in accordance with the requirements of the LSPS and EP&A Act.

Port Stephens Community Strategic Plan 2018-2028

The proposed reclassification is consistent with Port Stephens Community Strategic Plan (CSP), which outlines a roadmap to achieve community aspirations and priorities within Port Stephens LGA over the next 7 years to 2028.

The reclassification will, through its facilitation of St Philip's intended purchase of the land, contribute to the school's ability to continue deliver education services to the region in accordance with the CSP's intention to foster creative and active communities (CSP C3 Community partnerships). The consolidation of ownership will encourage the long-term management of private civil and community infrastructure in support of the CSP's vision for infrastructure and facilities (CSP P2 Infrastructure and facilities). Council's divestment from the land will contribute to the organisation's financial sustainability (CSP L2 Financial management). Following of statutory procedures to reclassify the subject land will provide an opportunity for the expression of community voice (CSP L3 Communication and engagement).

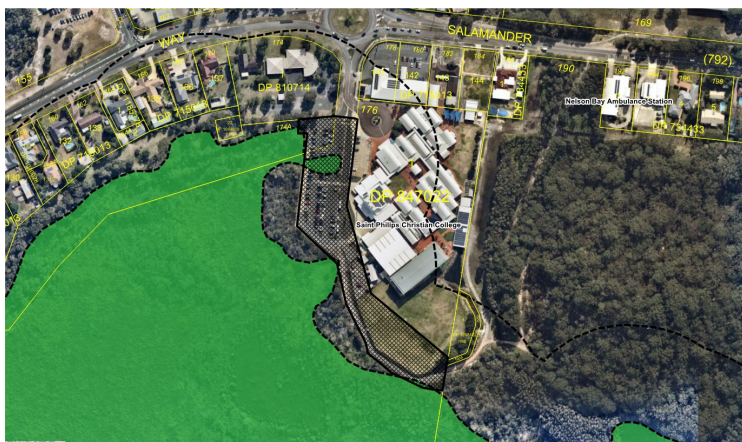
**Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

The planning proposal is not relevant within the context of other State or regional studies or strategies.

**Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

Assessment of the planning proposal against relevant SEPPs is provided in the following table.

Table 1 – Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
<b>SEPP (Resilience and Hazards) 2021</b>	
<p>Chapter 2 Coastal Management</p> <p>Promotes an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the Coastal Management Act 2016 (NSW).</p>	<p><u>Relevance</u></p> <p>The land is partially mapped as Coastal Wetlands under the Coastal Management chapter of the SEPP.</p>  <p><u>Consistency</u></p> <p>The proposed reclassification will not affect the application of this SEPP. The planning proposal is consistent with the objectives contained within Chapter 2 Coastal Management of the SEPP and the Coastal Management Act 2016 (NSW). The area proposed for reclassification is already developed for the purposes of a car park and playing field and will have no additional impact on coastal management.</p>



SEPP	Consistency and Implications
<p>Chapter 4 Remediation of Land</p> <p>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</p>	<p><u>Relevance</u></p> <p>Chapter 4 applies to all land, particularly where sensitive uses (such as schools) are proposed. The SEPP requires consideration of contamination issues when rezoning land.</p> <p><u>Consistency</u></p> <p>The land is not proposed to be rezoned. The site has no known history of current or previous contamination. The area proposed for reclassification is already developed for the purposes of a car park and playing field.</p>
<b>SEPP (Transport and Infrastructure) 2021</b>	
<p>Chapter 3 Educational Establishments and Child Care Facilities</p> <p>This chapter aims to facilitate the effective delivery of educational establishments and early education and care facilities.</p>	<p><u>Relevance</u></p> <p>Chapter 3 aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.</p> <p><u>Consistency</u></p> <p>The land is proposed to be reclassified and does not propose or require any physical works. The subject land to which the reclassification applies to is already developed for the purposes of carparking and sports fields to serve the school.</p>
<b>SEPP (Biodiversity and Conservation) 2021</b>	
<p>Chapter 4 Koala habitat protection 2021</p> <p>Aims to help reverse the decline of koala populations by ensuring koala habitat is properly considered during the development assessment process, and to provide a process for councils to strategically manage koala habitat through the development of koala plans of management.</p>	<p><u>Relevance</u></p> <p>Chapter 4 provides for development assessment processes for land affected by koalas or koala habitat. The land is mapped as 50m Buffer over Cleared within the Port Stephens Council Comprehensive Koala Plan of Management.</p> <p><u>Consistency</u></p> <p>The proposed reclassification will not affect koala habitat or the application of the Koala SEPP during any development assessment process. The area proposed for reclassification is already developed for the purposes of a car park and playing field.</p>

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 directions)?**


Assessment of the planning proposal against relevant Ministerial Directions is provided in the following table.

**Table 2 – Relevant Ministerial Directions**

Ministerial Directions	Consistency and Implications
<b>1. PLANNING SYSTEMS</b>	
<p>1.1 Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.</p>	<p><u>Relevance</u></p> <p>Applicable. The Hunter Regional Plan 2041 (HRP) and Greater Newcastle Metropolitan Plan 2036 (GNMP) are applicable to the site.</p> <p><u>Consistency</u></p> <p>The proposal is aligned with the objectives and directions outlined in the HRP. Specifically, the proposal is consistent with Objective 3 ‘Create a 15 minute region made up of mixed, multi-modal, inclusive and vibrant local communities’ of the HRP.</p> <p>The reclassification will enable the transfer and consolidation of the subject site with the existing St Philip’s Christian College Port Stephens campus to ensure the long-term use of the site for educational and infrastructure purposes. This will include enhanced green space and amenity in accordance with Outcome 2 ‘Enhance environment, amenity and resilience for quality of life’ of the GNMP.</p> <p>The reclassification will also support the provision of continuous local employment and education for the community. The retention of the C2 Environmental Conservation on the balance of the site, supports the HRP’s objectives to improve the quality of open spaces and improving the natural environment.</p>

Ministerial Directions	Consistency and Implications
<b>3. BIODIVERSITY AND CONSERVATION</b>	
<p><b>3.1 Conservation Zones</b></p> <p>The objective of this direction is the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.</p>	<p><u>Relevance</u></p> <p>Applicable. Direction 3.1 applies to all relevant planning authorities during the preparation of a planning proposal.</p> <p><u>Consistency</u></p> <p>The planning proposal will not affect environmentally sensitive areas and does not apply to land within an environmental protection zone or land otherwise identified for environmental protection purposes in an LEP. The proposal seeks to reclassify land that is zoned SP2 Infrastructure (School/Child care centre) from Operational Land to Community Land.</p>
<p><b>3.2 Heritage Conservation</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p><u>Relevance</u></p> <p>Applicable. Direction 3.2 applies to all relevant planning authorities that prepare a planning proposal.</p> <p><u>Consistency</u></p> <p>The site is not located in the vicinity of local or State heritage items. Aboriginal sites and places were not identified on a Basic AHIMS search conducted on 29 October 2021. The area proposed for reclassification is already developed for the purposes of a car park and playing field.</p>



Ministerial Directions	Consistency and Implications
<b>4. RESILIENCE AND HAZARDS</b>	
<p><b>4.2 Coastal Management</b></p> <p>The objective of this direction is to protect and manage coastal areas of NSW. This direction applies to land within the coastal zone.</p>	<p><u>Relevance</u></p> <p>Applicable. Direction 4.2 applies to all relevant planning authorities that prepare a planning proposal. The land is partially within the 'Coastal Wetlands' area and the 'Proximity Area for Coastal Wetlands' under the SEPP (Coastal Management) 2018.</p> <p><u>Consistency</u></p> <p>The planning proposal is strictly limited to the reclassification of the subject site and does not involve any development or physical modifications on or to the site. The area proposed for reclassification is already developed for the purposes of a car park and playing field. The proposal is consistent with this direction.</p>
<p><b>4.3 Planning for Bushfire Protection</b></p> <p>The objectives of this direction are to protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p>	<p><u>Relevance</u></p> <p>Applicable. The subject land is partially mapped as bush fire prone land.</p>  <p><u>Consistency</u></p> <p>The planning proposal may satisfy Direction 4.3 following Gateway determination. The planning proposal does not enable inappropriate development in hazardous areas. The area proposed for reclassification is already developed for the purposes of a car park and playing field. The planning proposal will be referred to the NSW Rural Fire Service for confirmation of consistency with this Direction.</p>

Ministerial Directions	Consistency and Implications
<p>4.5 Acid Sulphate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p><u>Relevance</u></p> <p>Applicable. The planning proposal applies to land having a probability of containing acid sulfate soils. The land is mapped as Class 3 Acid Sulphate Soils on the relevant LEP map.</p> <p><u>Consistency</u></p> <p>The planning proposal is consistent with this Direction. The planning proposal will not introduce provisions to regulate works in acid sulphate soils and thus the Acid Sulfate Soils Planning Guidelines. The planning proposal does not propose an intensification of land uses on the subject land.</p>

## **Section C – Environmental, social, and economic impact**

### **Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The proposed reclassification will not affect critical habitat, threatened species, populations or ecological communities, or their habitats. The subject site contains hardstand car park, unsealed fire trail, and cleared turfed playing fields. The reclassification will not enable any further uses not already permitted on the site.

### **Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

No adverse environmental effects are anticipated as a result of the proposed reclassification. The reclassification will not enable any further uses not already permitted on the site.

### **Q10. Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal will be processed in accordance with statutory obligations, which will ensure that the community is adequately consulted during the preparation of the LEP amendment. The planning proposal will not be to the detriment of community use as the land does not currently service the community beyond the utilisation of St Philip's Christian College functions.

## **Section D – Infrastructure (Local, State and Commonwealth)**

### **Q11. Is there adequate public infrastructure for the planning proposal?**

There is adequate public infrastructure. The planning proposal does not facilitate any works that are not already permissible. The change in classification will not necessitate additional public infrastructure.

## **Section E – State and Commonwealth Interests**

### **Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

The planning proposal was referred to the Rural Fire Service and the Biodiversity and Conservation Division of the NSW Department of Planning and Environment for preliminary consultation with no objections received.

Further consultation with the Rural Fire Service is being undertaken consistent with the Gateway determination.





## **PART 6 – Project timeline**

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The planning proposal will be reported to Council following the completion of the public exhibition period. The following timetable is proposed:

Stage	Timeframe and/or date
Consideration by council	August 2022
Council decision	13 September 2022
Gateway determination	17 November 2022
Pre-exhibition	November 2022
Commencement and completion of public exhibition period	December 2022 – Feb 2023
Public hearing	February 2023 (date to be confirmed)
Consideration of submissions	March 2023
Post-exhibition review and additional studies	April 2023
Submission to the Department for finalisation	May 2023
Gazettal of LEP amendment	July 2023

## **Attachment 1 – Response to Planning Practice Note PN 16-001 – Classification and reclassification of public land through a local environmental plan**

All planning proposals classifying or reclassifying public land must address the following matters for Gateway consideration.

Item	Comment
The current and proposed classification of the land.	The subject land is currently classified as Community Land and is proposed to be reclassified to Operational Land under the provisions of the Local Government Act 1993 (NSW) (LG Act).
Whether the land is a 'public reserve' (defined in the LG Act).	The land is not a public reserve as per the meaning of public reserve defined in the LG Act.
The strategic and site specific merits of the reclassification and evidence to support this.	<p>The proposed reclassification of the subject land from Community Land to Operational Land has significant strategic merit as it is consistent with the SP2 Infrastructure (School/Child care centre) land use zone, regional and local planning strategies, and the existing development on the site.</p> <p>The proposed reclassification of the land is limited and would reflect the existing use and infrastructure developed on the land. There is strong site specific merit for the proposal.</p>
Whether the planning proposal is the result of a strategic study or report.	The proposed reclassification is not the result of a strategic study or report, but does reflect Council's long term intension to divest the land to the adjoining school, as reflected by the issuing of development consent for support infrastructure.



<p>Whether the planning proposal is consistent with council's community plan or other local strategic plans.</p>	<p>The proposed reclassification is consistent with the Port Stephens Local Strategic Planning Statement (LSPS), as it will contribute to the retention of open space within the school's ownership, allowing for long term asset planning for healthy, active spaces for young people in accordance with Planning Priority 10 'Create people friendly spaces in our local centres where people can come together'.</p> <p>The proposed reclassification is also consistent with Port Stephens Community Strategic Plan (CSP), through its facilitation of St Philip's intended purchase of the land, contributing to the school's ability to continue deliver education services to the region in accordance with the CSP's intention to foster creative and active communities.</p>
<p>A summary of council's interests in the land, including:</p> <ul style="list-style-type: none"> <li>- how and when the land was first acquired (e.g., was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution);</li> <li>- if council does not own the land, the land owner's consent;</li> <li>- the nature of any trusts, dedications etc.</li> </ul>	<p>The land is owned by Port Stephens Council.</p> <p>The land was first acquired by Council as part of a much larger land holding purchased by Council in the 1950s from the Commonwealth Government. Over the past 50 years Council has subdivided and developed this original land holding to generate funds to support Council to offer its services to the local community.</p> <p>The land was classified as Community Land in 1993 when the LG Act 1993 was enacted. At this time Council did not to classify all land they owned, and the land defaulted to Community Land. However, it has been Council's intention to develop/sell the site, indicating Councils intention to dispose of this land rather than retain it for community purposes.</p>
<p>Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.</p>	<p>There are a number of interests on the land, all of which are to be retained, being for access, water and sewer easements.</p>

The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).	The land is currently subject of a long term licence agreement and has been developed for the purposes of a car park with associated drainage and a sports field. It is currently not available for public open space.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g., electronic title searches, notice in a Government Gazette, trust documents).	The Certificates of Title for Lots 21 and 23 DP 1044009 confirm the owner of the land as being Port Stephens Council, but do not indicate that the land is a public reserve.
Current use(s) of the land, and whether uses are authorised or unauthorised.	<p>The part of the land subject to the planning proposal is currently used for car parking, associated drainage and part of the school sports field.</p> <p>Development Application 16-2016-770-1 was approved in June 2017 to permit the construction of a car park and playground extension.</p> <p>The car park was completed in 2019 for the benefit of the school.</p>
Current or proposed lease or agreements applying to the land, together with their duration, terms, and controls.	<p>A licence agreement was issued by Council in July 2016 for a 21-year period for the 'Construction and maintenance of an area for car parking and playing fields'.</p> <p>The licence and Development Application 16-2016-770-1 apply to the school site as well as the Council-owned subject site.</p>
Current or proposed business dealings (e.g., agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).	Council's intention is to commence commercial negotiations with St Philip's Education Foundation Pty Ltd, immediately following the reclassification of the land, with the intent to agree on the acquisition and transfer of the land.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).	The planning proposal is not associated with a rezoning. The existing zoning of SP2 Infrastructure (School/Child care centre) is appropriate for the current and future proposed use.

How council may or will benefit financially, and how these funds will be used.	<p>The reclassification will facilitate the excise of the land from the balance of the lot and the acquisition of this land by the school.</p> <p>As per Council's resolution of On 28 September 2021, the proposed reclassification process is being undertaken by the proponent at no cost to Port Stephens Council.</p>
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.	Not considered to be relevant in this instance. The reclassification is to facilitate an existing use of the site which supports the operation of the school on the adjoining lot, and is subject to a 20 year plus lease for car parking and playing fields. There is no intention to create public open space within this subject portion of land.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.	Indicative part lot mapping is shown in Part 4 Maps of this planning proposal. An indicative LEP map is at Figure 6 Indicative LEP Map.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	The site formed part of a larger lot in 1950 when Council acquired the land from the Commonwealth in 1950.