

## SECTION 59 PLANNING REPORT

### ***Port Stephens Local Environmental Plan 2013 (Amendment No. 8)***

#### **Planning proposal details:**

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| Title:                         | Rezone 290 and 308 Tarean Road, Karuah to R2 Low Density Residential and E2 Environmental Conservation'                                                                                                                                                                                                                                                                                                                                                                            |
| Department Ref:                | PP_2014_PORTS_005_00                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Planning proposal summary:     | To amend Port Stephens LEP 2013 by: <ul style="list-style-type: none"><li>• Rezone Lot 20 DP 579653 and part Lot 21 DP 579653 (290 Tarean Road and part 308 Tarean Road) from RU2 Rural Landscape to R2 Low Density Residential,</li><li>• Rezone part Lot 21 DP579653 (part 308 Tarean Road) from RU2 Rural Landscape to part E2 Environmental Conservation,</li><li>• Consequential amendments to the lot size map, height of building map and urban release area map.</li></ul> |
| Date of Gateway Determination: | 18 September 2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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## **1.0 SUMMARY**

### Subject Land

290 Tarean Road (Lot 20 DP 579653)

308 Tarean Road (Lot 21 DP 579653)

### Background

The planning proposal seeks to amend the Port Stephens Local Environmental Plan 2013 in accordance with the following:

- Amending the land zoning map relating to Lot 20 & Lot 21 DP 579653, 290 & 308 Tarean Road Karuah. The proposal seeks to rezone the lots from RU2 Rural Landscape to part R2 Low Density Residential and part E2 Environmental Conservation
- Amending the lot size map relating to Lot 20 & Lot 21 DP 579653, 290 & 308 Tarean Road Karuah. The proposal seeks to amend the lot size map to provide a minimum lot size of 500sq.m for all land proposed to be rezoned to R2 Low Density Residential and a lot size of 40ha for all land proposed to be rezoned to E2 Environmental Conservation
- Amending the height of building map relating to Lot 20 DP 579653 and part Lot 21 DP 579853, 290 Tarean Road and part 308 Tarean Road Karuah. The proposal seeks to amend the height of building map to

provide a maximum height of 9m for all buildings on land proposed to be rezoned to R2 Low Density Residential

- Amending the Urban Release Area Map (URA\_003) by adopting an Urban Release Area for all land proposed to be rezoned to R2 Low Density Residential

#### Public exhibition

The proposal was placed on public exhibition from 8 October to 5 November 2015. One submission was received during the public exhibition period. This submission is outlined in Part 3 of this report.

#### Key changes

Additional information was submitted post-consultation in August 2016 to finalise the plan and provide consistency between the reports that support this planning proposal.

An alteration to the Gateway Determination was given on the 22 April 2016 to include a reference to the proposed E2 Environmental Conservation Zone and amend the Written Authorisation to Exercise Delegations.

## **2.0 GATEWAY DETERMINATION**

- Date of Gateway Determination: 18 September 2014.
- Timeframe for completion of planning proposal: 12 months with a further extension of 18 months including an alteration of the Gateway Determination.
- The Gateway determination was not subject to a review request.
- The conditions of the Gateway determination have been complied with.

## **3.0 COMMUNITY CONSULTATION**

- The proposal was placed on public exhibition from 8 October to 5 November 2015.
- One submission was received during the public exhibition period. The key concerns and responses to these comments are summarised below:

| Comments                                                                                                                                                                                                                                                                                                           | Planning Response                                                                                                                                                                                                                                                                                                                                                                  |
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| The planning proposal proposes a pedestrian and cycle link to facilitate connectivity to the existing residential land on the eastern side of the site. This would mean accessing through a private carriageway. The proponent does not have a right of access over this carriageway to implement this connection. | Part of the original intention of the planning proposal was the creation of a connection to the existing residential area to the east. Acknowledge the concern raised in the submission, however it is not considered critical to the planning proposal given pedestrian connectivity can be provided by an extension to the existing pathway on Tarean Road. The connection point |

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|                                                                                                                                                                                       | <p>can be provided in the future if circumstances change.</p> <p>A connection from the proposed development to the town centre through the provision of pedestrian and cycling links is recommended and discussed in Section C of this report. It is proposed that these issues will be addressed at the development application stage.</p>                                                                                                                          |
| Site information states errors on what is currently sited on Lot 21 DP 579653.                                                                                                        | The planning proposal (post-exhibition version) has been amended to correct these errors. This has no implications to the proposal.                                                                                                                                                                                                                                                                                                                                  |
| Concerns regarding fencing. Requests clarification on who has responsibility to construct the fence around the site boundaries.                                                       | This is outside the scope of the planning proposal. Typically Council requires new development to provide fencing. This will be considered and satisfied at the development application stage.                                                                                                                                                                                                                                                                       |
| The land proposed to be rezoned E2 Environmental Conservation also is proposed to have a minimum lot size of 40Ha. This is contrary to the actual total size of the lot being 30.4Ha. | Under the Port Stephens Local Environmental Plan 2013 the E2 Environmental Conservation Zone has a minimum lot size of 40ha. The minimum lot size map ensures the size of any lot resulting from subdivision of land is no less than 40Ha. Whilst no subdivision entitlement will be created as a result of the minimum lot size, this ensures the lot is consistent with the E2 Environmental Conservation Zone objectives by preventing fragmentation of the land. |

- Consultation was undertaken in accordance with the Gateway determination.
- A minor amendment was made to the site information in the planning proposal as a result of issues raised during community consultation. It has no implications on the proposal.

#### 4.0 VIEWS OF PUBLIC AUTHORITIES

In accordance with the Gateway Determination, Council consulted with the following government agencies:

| Public Authority | Summary of Advice Received                                                                                     |
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| Hunter Water     | Hunter Water originally provided advice on the 5 March 2015 based on the development estimate of an additional |

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|                                          | <p>33 lots.</p> <p>Because of the inconsistency between the additional information submitted on the proposed additional lots; a request was sent to Hunter Water to provide advice based on the development estimate of an additional 71 lots on the site. Advice was received on the 29 August 2016 which is summarised below.</p> <p><b>Water Supply</b></p> <p>The site of the proposed subdivision is located in the Port Stephens Water Supply System, and is supplied from the Karuah 2 Reservoir. The property has frontage to a DN150 AC water main along Tarean Road.</p> <p>There is currently sufficient capacity available in the water network to serve the proposed development, however, capacity availability and system performance varies over time. A detailed analysis will be undertaken upon lodgement of an application for a Notice of Formal Requirements.</p> <p><b>Wastewater Transportation</b></p> <p>The site of the proposed subdivision is located in the Karuah 5 Wastewater Pumping Station WWPS catchment area, which pumps into the Karuah 1 WWPS and is within the Karuah Wastewater Treatment Works (WWTW) catchment. The nearest sewer connection point to service this development is Manhole H94016, located adjacent to Karuah 5 WWPS. It appears that flows from the development may gravitate to this point; this should be confirmed by a field survey.</p> <p>The sewer network has some spare capacity to cater for approximately 55 lots of the 71 proposed in this application. An upgrade will be required to connect the balance of the lots. A developer-funded servicing strategy will be required to determine the upgrades necessary to Karuah 5 WWPS to service the additional lots.</p> <p>Water supply and wastewater transportation will only be confirmed upon submission of an application with Hunter Water to determine the formal requirements that shall apply.</p> |
| Office of Environment and Heritage (OEH) | <p>An Aboriginal Heritage Impact Permit was requested which should include full consultation with the Aboriginal community prior to works occurring. This can be conducted during the development application stage.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|                                  | <p>The original advice from OEH on the 6 of March 2015 requested an addendum to the flora and fauna report to include an assessment of Lot 21 proposed to be rezoned R2 Low Density Residential and suggested an in perpetuity conservation outcome by committing to BioBanking for the proposed E2 zoning within Lot 21 DP 579653 to align with the intent of the Lower Hunter Regional Strategy Green Corridor and the goals of the Lower Hunter Regional Conservation Plan.</p> <p>Subsequently, a Flora and Fauna Assessment was carried out in July 2015 by Joy Hafey Environmental Consultants for 308 Tarean Road (Lot 21 DP 5796530). OEH reviewed this addendum on the 21 September 2015 and considered it to be satisfactory for the purposes of a planning proposal.</p> <p>Overall OEH has no objections to the proposed rezoning proceeding.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Department of Primary Industries | <p>Department of Primary Industries (Agriculture) reviewed the planning proposal (February 2015) and did not object to the proposal. The Department noted a turkey farm on 314 Tarean Road which is currently not operating and a timber business, currently operating, on 312 Tarean Road. As such, the Department of Primary Industries proposed the lot layout should consider boundary interactions alongside Lot 21 DP 579653 to avoid land use conflicts.</p> <p>The Department suggested the best means of mitigation can be from screening and setbacks such as boundary separation and landscaping for conflict avoidance. These issues can be addressed at development application stage, prior to residential development occurring. It is acknowledged that compliance will be required for the relevant controls within the Port Stephens Development Control Plan (such as appropriate agricultural buffers).</p> <p>The Department of Primary Industries also referenced the <i>Department of Environment and Conservation NSW, 2006, Assessment and management of odour from stationary sources in NSW</i> to determine odour buffers for poultry; however, these setbacks are for operational industries. Nonetheless a Level 1 Odour Assessment was conducted on the site derived from the EPA Odour Calculator as discussed in the <i>Department of Environment and Conservation NSW, 2006, Assessment and management of odour from stationary sources in NSW</i>. The assessment made assumptions based on the size of the shed and demonstrate that the proposed development will not be impacted on by the existing sheds. The</p> |

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|                                                  | <p>assessment concluded the required separation distance between the shed and would be 212.8sq.m (see assessment calculator under additional information: post-gateway studies). Based on this calculation there is no impact on the proposed residential component of the planning proposal.</p> <p>Consideration should be given to the design of the houses and boundary interactions with adjoining properties and businesses. It should include noise and odour considerations. Screening, setbacks, separation and landscaping may be required to mitigate and avoid landuse conflicts. This should occur before development occurs.</p>                                                                                                                                                                                                                                                                                                                            |
| Trade & Investment (Resources & Energy Division) | No issues with the proposal. It was noted Petroleum Exploration License (PEL) 2 held by Dart Energy (Apollo) Pty Ltd exists over a broad regional area including the subject site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Worimi Local Aboriginal Land Council             | Strongly requests an invitation to participate in all future site assessments, investigations and reports relating to (but not limited to) the Heritage listed items within the proposal at both sections 7 and 9. The Land Council requested the identified items to remain undisturbed (provided with a buffer zone) or otherwise negatively impacted (e.g. stone flakes are relocated and housed securely (subsurface) within the site). The scar tree is to remain undisturbed in its entirety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Karuah Local Aboriginal Land Council             | <p>Requested further information regarding stormwater runoff from the site and the proposal be withheld until further advice was given. The Land Council was informed the Stormwater and Flooding Assessment includes stormwater quality controls to ensure that the water quality leaving the site meets the guidelines set by Port Stephens Council for residential development and that the development is unlikely to impact on downstream receiving waters.</p> <p>Council's Flooding and Drainage Officer is satisfied the drainage information supplied is sufficient to use for rezoning as it demonstrates a solution can be achieved on the site and can be satisfied at development application stage.</p> <p>It is considered the additional advice given to the Karuah Local Aboriginal Land Council satisfactory addressed the concerns raised. No further issues were raised. Further consultation will be conducted at development application stage.</p> |
| Great Lakes Council                              | No matters of concern and therefore have no objection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| NSW Rural Fire Service | <p>Identified some issues, but were satisfied these issues can be addressed in further detail at the development application stage. The proposed rezoning is capable of meeting the requirements of the 117 Ministerial Directions.</p> <p>Additional information will be required at development application stage which includes:</p> <ul style="list-style-type: none"> <li>• Further information in relation to the treatment of the creek line and proposed water sensitive urban design. If the creek line is proposed to be a vegetated riparian zone it may provide a sufficient future hazard for there to be consideration of Asset Protection Zone requirements. The proposed planting densities, types and maintenance programme for the water sensitive urban design area could pose a hazard typical of a grassland or freshwater wetland.</li> <li>• Further information to demonstrate the subdivision satisfies the Rural Fires Act 1997 and the Rural Fires Regulation 2013.</li> <li>• Further information to demonstrate a secondary point of access for the site.</li> </ul> <p>An updated bushfire assessment was submitted in August 2016 to satisfy some of the issues raised in the Rural Fire Service submission. The addendum was an update on the bushfire assessment for Lot 20 DP 579653 and part of Lot 21 DP 579653. The supporting addendum shows the development is capable of accommodating the required APZ and capable of providing a secondary point of access.</p> |
| Ausgrid                | <p>Both affected lots are traversed by 132kV overhead power lines. Easements protect the asset and should be retained after any rezoning and any future development. No structure can be erected within the easement with prior approval of Ausgrid.</p> <p>All rights associated with that easement would also be required to be retained in its notation of the title of the new lots.</p> <p>Ausgrid has no objection, provided easement terms and conditions are respected and noted on title for the newly created lots. Further consideration of this will be given at development application stage.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Office of Water        | <p>Was consulted in relation to the waterbody, which determined the waterbody as a dam, downstream end of the drainage feature. The planning proposal proposes a drainage line and if the dam was to be retained it would be for stormwater management purposes, however the exact detail of flooding and drainage would need to be addressed at the development application stage, including</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|  | <p>hydrological and hydraulic modelling and MUSIC water quality modelling of the proposal.</p> <p>If the dam is to be retained for stormwater management purposes, it may fit the definition of an Excluded Work pursuant to Schedule 1 of the Water Management (General) Regulation 2011; therefore a Water Access License will not be required.</p> |
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## **5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS**

### **Section 117 Directions**

The planning proposal has minor inconsistencies with the s117 directions. All inconsistencies have been satisfied by an officer of the relevant Departments.

#### **1.2 Rural Zones**

This Proposal is inconsistent with this Direction, however as per Clause 5, the planning proposal may be inconsistent if satisfied by an officer of the Department nominated by the Director-General. The Department of Primary Industries reviewed the planning proposal (February 2015) and has not objected to the proposal. Comment is provided in SEPP (Rural Lands) 2008 and can be addressed at development application stage.

This inconsistency is also justified as the land is identified within the Port Stephens Council, 2011, Karuah Growth Strategy as suitable for residential development. The Department of Planning and Environment determined (25 October 2016) the inconsistency as of minor significance.

#### **1.3 Mining, Petroleum Production and Extractive Industries**

This Proposal is inconsistent with this Direction, however as per Clause 6, the planning proposal may be inconsistent if satisfied by an officer of the Department nominated by the Director-General. The Trade and Investment (Minerals and Resources Division) were consulted and raised no issues with the proposal. The proposals inconsistency is considered of minor significance.

#### **1.5 Rural Lands**

This Proposal is inconsistent with this Direction, however as per Clause 5, the planning proposal may be inconsistent if satisfied by an officer of the Department nominated by the Director-General. The Department of Primary Industries reviewed the planning proposal (February 2015) and has not objected to the proposal. Comment is provided in SEPP (Rural Lands) 2008 and can be addressed at development application stage.

This inconsistency is also justified as the subject lands have been identified within the Port Stephens Council, 2011, Karuah Growth Strategy as being suitable for residential purposes. The Department of Planning and Environment determined (25 October 2016) the inconsistency as of minor significance.

### 2.1 Environmental Protection Zones

The Planning Proposal is consistent with this Direction. The proposal includes provisions that facilitate the protection of environmentally sensitive areas. The proposal seeks to rezone part of the subject site as E2 Environmental Conservation to reflect its green corridor status.

Flora and Fauna assessments have been undertaken on Lot 20 DP 579653 and on Lot 21 DP 579653. No threatened flora or fauna was identified on the land proposed for residential purposes. The assessments both state due to presence of cleared rural land, the site does not provide linkages or corridors between proximate areas of habitat.

The recommendations and further assessment can be undertaken and implemented at the development application stage.

### 2.2 Coastal Protection

The proposal is consistent with this direction and principles in the NSW Coastal Policy. In addition, further justification is provided by way of the proposals accordance with the Port Stephens Council, 2011, Karuah Growth Strategy, which gives consideration to the objective of this direction.

### 2.3 Heritage Conservation

The Planning Proposal is consistent with this Direction. An Aboriginal Archaeological assessment was undertaken for Lot 20 DP 579653. The assessment identified 3 Aboriginal objects; 2 isolated artefacts and a potential scarred tree.

Consultation was undertaken with the Worimi Local Aboriginal Land Council, the Karuah Local Aboriginal Land Council and the Office of Environment and Heritage.

Worimi Local Aboriginal Land Council confirmed strong willingness to ensure that these identified actions within Section 9 of this report are adhered to and items remain undisturbed.

Office of Environment and Heritage has no objections to the proposed rezoning proceeding with respect to Aboriginal cultural heritage.

Further investigations and an Aboriginal Heritage Impact Permit will need to be sought at the development application stage which should include the involvement of the Local Aboriginal Land Councils.

### 3.1 Residential Zones

The Planning Proposal is consistent with this Direction. The planning proposal is consistent with 3.1 Residential zones as it will make more efficient use of existing infrastructure and services and broaden the choice of locations available in the housing market.

Further justification is also provided by way of the proposal's accordance with the Port Stephens Council, 2011, Karuah Growth Strategy, which gives consideration to the objective of this direction.

#### 4.4 Planning for Bushfire Protection

The Planning Proposal is consistent with this Direction. A bushfire assessment was undertaken for Lot 20 DP 579653, the recommendation of which was the subject site could accommodate buildings on site once active safe guards were adopted in accordance with AS3959-1999.

NSW Rural Fire Service raised some concerns, however were satisfied the proposed rezoning is capable of meeting the requirements of this direction. NSW Rural Fire Service expects further investigations and detail be given at the development application stage to demonstrate compliance.

To satisfy the comments raised in the Rural Fire Service submission an additional addendum was submitted in August 2016 which provided an update on the bushfire assessment for Lot 20 DP 579653 and part of Lot 21 DP 579653 the supporting addendum shows the development is capable of accommodating the required APZ and capable of providing a secondary point of access.

#### 5.1 Implementation of Regional Strategies

The Planning Proposal is consistent with this Direction. The proposal is consistent with the objectives contained within the Lower Hunter Regional Strategy.

### **State Environmental Planning Policies**

There are no existing or draft State Environmental Planning Policies that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant State Environmental Planning Policies against the planning proposal is provided as follows:

#### SEPP 44 – Koala Habitat Protection

The Planning Proposal is consistent with this SEPP. Under the Koala Habitat Planning Map (2007) the subject sites are identified as "Mainly Cleared" with "Marginal Koala Habitat" occurring within the southern and western boundaries.

A revised Flora and Fauna Assessment was carried out in February 2013 by RPS Australia for 290 Tarean Road (Lot 20 DP 579653). The assessment showed the site contains preferred feed trees, however investigations have been undertaken and given the disturbed nature of the site it would be possible for future development to meet the Comprehensive Koala Plan of Management provided that the layout (including roads, open space and building envelopes) considers the existing trees. Further investigations to be conducted at development application stage.

A subsequent Flora and Fauna Assessment was carried out in July 2015 by Joy Hafey Environmental Consultants for 308 Tarean Road (Lot 21 DP 579653). The report made an assessment against SEPP44, however does not mention the Port Stephens Council, 2002, Comprehensive Koala Plan of Management. The report concluded the rezoning of the northern section from RU2 Rural Landscape to R2 Low Density Residential would not impact significantly on the site as the northern portion is considered substantially ecologically degraded with low conservation value.

#### SEPP 55 – Remediation of Land

The Planning Proposal is consistent with this SEPP. A preliminary Contamination Assessment (December 2014) has been undertaken as per clause 6 of SEPP55 for both Lot 20 and Lot 21 DP 579653. The preliminary Contamination Assessment concludes that the site is rendered suitable, from a contamination point of view, for future residential development. The assessment lists recommendations that need to be satisfied and implemented during the development application stage and construction phase.

#### SEPP 71 – Coastal Protection

The Planning Proposal is consistent with this SEPP. The proposal does not have a frontage to coastal foreshore land, nor does it contain existing access or potential access to coastal foreshore land; therefore this matter is not applicable to this application. As such future development is unlikely to have any potential to conflict between land-based and water-based coastal activities.

The proposal to rezone the northern portion of the site fronting Tarean Road to R2 Low Density Residential Zone represents development that is consistent with the PSLEP 2013 for adjacent R2 Low Density Residential Zone land immediately to the east of the site and is in accordance with the Port Stephens Council, 2011, Karuah Growth Strategy.

No threatened flora or fauna were recorded on site. However, all of the threatened species considered are thought to have potential habitat resources of varying quality available within the site, as it is proposed that the rear (southern portion) of the site will be rezoned to E2 Environmental Conservation (PSLEP 2013), as this area contains dense vegetation and is not suitable for development.

The Aboriginal Heritage Due Diligence Assessment (Myall Coast Archaeological Services 2012) recommends, the lot layout excludes all identified objects locations.

Stormwater quality controls will be requested as part of the development application to ensure the future development meets the requirements set by Port Stephens Council for residential development and that the development does not have an impact on downstream receiving waters.

#### SEPP (Rural Lands) 2008

The Planning Proposal is consistent with this SEPP. The proposal seeks to rezone lands from a rural zone to a residential zone. However is of minor significance as the land is currently underutilised for agricultural uses and has been identified within the Port Stephens, 2011, Karuah Growth Strategy as being suitable for residential purposes.

Department of Primary Industries (Agriculture) reviewed the planning proposal (February 2015) and did not object to the proposal. The Department noted a turkey farm on 312 Tarean Road which is currently not operating and a timber business, currently operating, on 312 Tarean Road. As such, the Department of Primary Industries proposed the lot layout should consider boundary interactions alongside Lot 21 DP 579653 to avoid land use conflicts.

The Department suggested the best means of mitigation can be from screening and setbacks such as boundary separation and landscaping for conflict avoidance. These issues can be addressed at development application stage, prior to residential development occurring. It is acknowledged that compliance will be required for the relevant controls within the Port Stephens Development Control Plan (such as appropriate agricultural buffers).

The Department of Primary Industries also referenced the Department of Environment and Conservation NSW, 2006, Assessment and management of odour from stationary sources in NSW to determine odour buffers for poultry; however, these setbacks are for operational industries. Nonetheless a Level 1 Odour Assessment was conducted on the site derived from the EPA Odour Calculator as discussed in the Department of Environment and Conservation NSW, 2006, Assessment and management of odour from stationary sources in NSW. The assessment made assumptions based on the size of the shed and demonstrate that the proposed development will not be impacted on by the existing sheds. The assessment concluded the required separation distance between the shed and would be 212.8sq.m (see attached assessment calculator). Based on this calculation there is no impact on the proposed residential component of the planning proposal.

Surrounding landowners were contacted during the public exhibition stage of the planning proposal. One submission was received and is addressed in Part 5 of this report.

The additional information and consultation identified a minor inconsistency with SEPP (Rural Lands) 2008 however are of minor significance and that no further approval is required.

### **Hunter Regional Plan**

Department of Planning and Environment, 2016, Hunter Regional Plan outlines the vision, goals and actions for sustainable growth in the Hunter region between now and 2036. The Planning Proposal is considered consistent and relevant with the following goals, directions and actions:

Goal 2: Protect and connect natural areas

Action 14.4: Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimise the impacts of development on areas of high environmental value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts. The proposal seeks to protect biodiversity by maintaining and conserving habitat connectivity and local habitat corridors. Part of the Planning Proposal area is identified as high environmental value because it is identified in the Watagans to Stockton link.

Goal 4: Greater housing choice and jobs

Direction 21 Create a compact settlement

Action 21.2 focuses development in locations with established services and infrastructure including sites identified in an endorsed local strategy.

The proposal is identified as suitable for development with the Port Stephens, 2011, Karuah Growth Strategy therefore consistent with Action 21.2. The Planning Proposal makes efficient use of existing infrastructure networks and capacity by seeking to develop adjacent to the existing urban footprint. It will support increased use of existing local facilities and will help services remain viable.

## **Community Strategic Plan**

The relevant direction in the Port Stephens Integrated Planning Framework is Direction: 3.3.1.9 Review and prepare statutory plans (Local Environmental Plan and planning proposals).

## **Port Stephens Planning Strategy**

The proposal is consistent with the *Port Stephens Council, 2011, Planning Strategy*. The Strategy states there is considerable potential in expanding residential development at Karuah and that the *Karuah Growth Strategy* will direct development. The Planning Strategy identifies future growth areas and part of the subject site is identified as "potential future residential development".

## **Karuah Growth Strategy 2011**

The *Port Stephens Council, 2011, Karuah Growth Strategy* identifies land adjacent to the Karuah town centre and south of Tarean Road as suitable for development. The Strategy identifies three stages for land release. The subject site is identified as a "Potential Second Stage Urban Release Area".

Stage One of the Urban Release Area has completed the rezoning process and includes the *Port Stephens Local Environmental Plan, 2013, Amendment 5 (NSW)*, which was gazetted on the 27 June 2014. The Strategy states the staging should be done to respond to market demand. The planning proposal is considered consistent with the aims of this Strategy.

The Strategy also identifies part of the site as within the Lower Hunter Regional Strategy Watagans to Stockton Green Corridor as a "Primary Biodiversity Corridor". The Planning Proposal is considered consistent with this corridor as it proposes to enable an environmental protection zone (part E2 Environmental Conservation).

## **6.0 PARLIAMENTARY COUNSEL OPINION**

A request to prepare the legal drafting of the draft Plan was made to Parliamentary Counsel on 6 January 2016.

## **7.0 OTHER RELEVANT MATTERS**

Council has not met with the Minister or any members for Parliament in relation to this plan.

## **8.0 MAPPING**

- Amending the land zone map LZN\_003B for the subject site to replace the Zone RU2 Rural Landscape with part R2 Low Density Residential and part E2 Environmental Conservation
- Amending the lot size map LSZ\_003B for the subject site to remove the lot size of AB2 - 20Ha and amend to I - 500sqm for all land proposed to be rezoned to R2 Low Density Residential and a lot size of AB3 - 40ha for all land proposed to be rezoned to E2 Environmental Conservation
- Amending the height of building map HOB\_003B for the subject site to include J - 9m height of building for all buildings on land proposed to be rezoned to R2 Low Density Residential
- Amending the Urban Release Area Map URA\_003 by adopting an Urban Release Area for all land proposed to be rezoned to R2 Low Density Residential

## **9.0 RECOMMENDATION**

It is recommended that the plan be made, without any amendments.

## **10.0 NOTES**

- Final version of the Planning Proposal (including Council report and resolution dated 13 December 2016)