



Rezone 290 and part 308 Tarean Road, Karuah to residential

Proposal Title : **Rezone 290 and part 308 Tarean Road, Karuah to residential**

Proposal Summary : **The Planning Proposal (PP) would change the zone and development controls of the site to provide for residential development.**

Specifically, the Planning Proposal would amend the Port Stephens Local Environmental Plan 2013 by:

- **changing the zone from RU2 Rural Landscape to R2 Low Density Residential;**
- **changing the minimum lot size from 20 ha to 500 m²; and**
- **introducing a height limit of 9 m.**

PP Number : **PP_2014_PORTS_005_00** Dop File No : **14/14759**

Proposal Details

Date Planning Proposal Received :	19-Aug-2014	LGA covered :	Port Stephens
Region :	Hunter	RPA :	Port Stephens Council
State Electorate :	PORT STEPHENS	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	290 and part 308 Tarean Road		
Suburb :	City :	Postcode :	2324
Land Parcel :	Lot 20 DP 579653 and part lot 21 DP 579653		

DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**
Contact Number : **0249042709**
Contact Email : **ben.holmes@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Jessica Franklin**
Contact Number : **0249800141**
Contact Email : **jessica.franklin@portstephens.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Rezone 290 and part 308 Tarean Road, Karuah to residential

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :	11.50	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	33
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :

SITE DESCRIPTION

The land proposed to be rezoned is largely cleared. It is bounded by Tarean Road (old Pacific Highway) to the north, heavily vegetated land to the west and south, and a residential estate to the east. Development on the site consists of a dwelling, dog kennels/ runs and sheds, and it is used for low intensity grazing. The site is also traversed by Energy Australia transmission lines. The site is approximately 1.5 km west of the town centre.

BACKGROUND

The rezoning of this site was previously considered by the Department in 2008. At the time a smaller portion of the site (3 ha, fronting Tarean Road) was proposed to be rezoned to residential (28 lots). The Department stated it did not support the proposal because the site is in the Lower Hunter Regional Strategy green corridor, the proposal was inconsistent with Council's local development strategy, and the Department believed that there was insufficient demand for the additional residential lots.

The Department requested Council review its local development strategy to better plan growth and the Karuah Growth Strategy (2011) was the outcome of this work. It considered growth scenarios, identified green corridors, infrastructure constraints and determined land release timing. Council now uses that strategy to justify the PP.

PROPERTY MISDESCRIPTION

There are several instances where lot 21 DP579653 has been misdescribed (typos) in the PP. These references should be corrected by Council prior to consultation.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **It is recommended that Council amend the PP Objectives so it is clear to the community what strategic planning outcomes Council is seeking to implement for the site. It is understood these include to increase housing supply and choice in Karuah, implement the Karuah Growth Strategy, etc.**

As currently drafted, the specific zone and development control changes listed in the Objectives duplicate the information already detailed in the Explanation of Provisions.

Council should also include an Objective which relates to protecting the Watagan-Stockton green corridor. As these lots are the subject of an active proposal, the local planning needed to refine the green corridor boundary should be completed with this PP.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Explanation of Provisions is consistent with the Department's "A Guide to Preparing Planning Proposals". It clearly states how the LEP provisions are to change.**

Council should rezone the remaining portion of lot 21 DP 579653 from a rural zone to a suitable environmental zone to better reflect its green corridor status under the Lower Hunter Regional Strategy and 'Primary Biodiversity Corridor' status under the Karuah Growth Strategy. The Explanation of Provisions should be updated. References to "part" lot 21 should be updated also.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 44—Koala Habitat Protection**
- SEPP No 55—Remediation of Land**
- SEPP No 71—Coastal Protection**
- SEPP (Housing for Seniors or People with a Disability) 2004**
- SEPP (Infrastructure) 2007**
- SEPP (Rural Lands) 2008**
- SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered :

Rezone 290 and part 308 Tarean Road, Karuah to residential

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Further discussion on consistency with SEPPs and s117 directions is provided in the "Consistency with strategic planning framework" section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council should also include maps which show the existing planning controls. The existing and proposed maps should be clearly labelled.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has nominated a 28 day community consultation period. Given the volume of studies associated with the proposal this could be supported.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **PROJECT TIMELINE**

Council indicates the PP would be completed within 12 months. This should be sufficient time to complete the PP because several studies have already been undertaken (eg ecology, heritage, traffic, bushfire, servicing).

PLAN-MAKING DELEGATION

Council has requested delegation for this PP. While the PP is for a new land release site, its development is consistent with Council's local planning strategy for the area. On this basis, it is recommended plan-making delegation be given.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Port Stephens Local Environmental Plan 2013 commenced in February 2014.**

Assessment Criteria

Need for planning proposal : **In 2008 the Department questioned whether there was sufficient demand for additional residential land in Karuah. It is still not clear whether there is sufficient demand.**

The now zoned Wattle and Holdom Road precinct provides capacity for an additional 160 low density residential allotments. Using the Karuah Growth Strategy demand scenarios, this provides adequate supply for the next 5 years under a high growth scenario (30 lots/ year) or 15 years using the growth assumed in 2011 (11 lots/ year).

Despite the above, the Karuah Growth Strategy considered demand and concluded that irrespective of existing levels, stage 2 sites could be rezoned now in order to provide market competition and land/ housing choice. This site is identified in the strategy as a

Rezone 290 and part 308 Tarean Road, Karuah to residential

stage 2 site and rezoning it now may help achieve those outcomes.

Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY (LHRS)

The LHRS identifies a small amount of additional urban development in Karuah. However, it also identifies Karuah as being largely constrained by its proximity to the Watagan-Stockton green corridor which precludes urban development. The Department has previously advised Council that this site is within the green corridor.

The Department recognises that the green corridor mapping in the LHRS is high level mapping and is to be further refined by detailed local planning. Council has undertaken local planning through the Karuah Planning Strategy and its outcomes can now be implemented for lot 20 and 21 DP 579653 through this PP.

The LHRS notes the Lower Hunter Regional Conservation Plan will inform the protection and conservation of the green corridor. Therefore, specific consultation should be undertaken with OEH to refine the corridor boundary on this land and to identify suitable controls for those parts which sit within the corridor. Consistency with the LHRS can be determined following this work.

Note: the conservation of lands in the Karuah locality is identified as a priority in the Regional Conservation Plan. See RCP Map.

PORT STEPHENS PLANNING STRATEGY 2011-2036 (2011)

It identifies growth in Karuah to occur in greenfield areas adjacent to the Karuah town boundaries. The Strategy notes the importance of land in the Karuah locality to achieving the outcomes of the Lower Hunter Regional Conservation Plan.

KARUAH GROWTH STRATEGY (2011)

This strategy identifies the northern portion of the site for residential development and part of the southern portion for inclusion in a biodiversity corridor (see Karuah Growth Strategy Map). As discussed, it notes the site is a stage 2 site which can be rezoned now.

STATE ENVIRONMENTAL PLANNING POLICIES

The PP is either inconsistent with the following SEPPs or additional work is required before consistency can be determined:

SEPP 44 Koala Habitat Protection - Council notes the site contains preferred feed trees and believes that through appropriate subdivision layout the proposal could satisfy the Comprehensive Koala Plan of Management. It is not clear whether this assessment relates to the entirety of lot 20 and 21, or whether it is just that part proposed to be rezoned. This can be further considered following consultation with OEH.

SEPP 55 Remediation of Land - Council needs to undertake a preliminary contamination assessment as required by clause 6 of the SEPP.

SEPP 71 Coastal Protection - Council defers consideration of SEPP 71 matters to the DA stage. While assessing a future DA against the SEPP is appropriate (should the land be rezoned), the SEPP requires Council to assess the proposal against the matters listed in clause 8 when preparing a draft LEP. This assessment should be included in the PP.

SEPP (Rural Lands) 2008 - As the PP would rezone rural land to residential, the proposal is inconsistent with both the rural planning principles and the rural subdivision principles of the SEPP. Consultation with DPI (Agriculture) should occur.

SECTION 117 DIRECTIONS

The PP is consistent with the relevant s117 directions with the exception of the following:

1.2 Rural Zones - PP is inconsistent because it rezones land from a rural zone to a

residential zone (subclause 4a). Council should consult with DPI Agriculture and seek the Secretary's agreement to the inconsistency with the direction.

1.3 Mining, Petroleum Production and Extractive Industries - Council does not identify this direction as applying. However as the PP would rezone the land to residential, and in doing so make mining, petroleum and extractive industries prohibited, the direction applies (subclause 3a). Consultation with T&I (Minerals & Resources Division) should occur (subclause 4) before consistency can be determined.

1.5 Rural Lands - By rezoning the land from rural to residential, the proposal is inconsistent with the direction (subclauses 4 and 5) . Consultation with DPI (Agriculture) should occur and Council seek the Secretary's agreement to the inconsistency with the direction.

2.1 Environment Protection Zones - the PP as submitted by Council is consistent with this direction. However, Council should include the remainder of lot 21 into the PP and apply appropriate controls that reflect its green corridor status. This would ensure consistency with subclause 4 of the direction. Consultation with OEH should occur as part of this process.

2.2 Coastal Protection - Council does not identify this direction as applying however as the site is within the coastal zone, the direction applies (subclause 3). Consideration should be given to whether the PP is consistent with the relevant matters specified in subclause 4 of the direction and this information included in the PP. Consistency with the direction can then be determined.

2.3 Heritage Conservation - the site contains aboriginal heritage items. Council intends to consult with OEH. Consultation with the local aboriginal land council should also occur. Consistency with this direction can reconsidered following this consultation.

4.4 Planning for Bushfire Protection - consultation with the RFS needs to occur as required by subclause 4 before consistency with this direction can be determined.

5.1 Implementation of Regional Strategies - as discussed in relation to the LHRS, consistency with the strategy can be determined following consultation with OEH regarding the green corridor.

Environmental social economic impacts :

Environmental impacts associated with the proposal have been investigated through a series of studies eg ecology, traffic, heritage, geotechnical, water and wastewater, among others. This work, coupled with agency consultation where relevant, would further identify the extent of environmental impacts and the potential mitigation measures required.

Economic and social impacts are anticipated to be positive. Additional land supply may increase market competition and improve land/ housing choice in Karuah. Should new residents result then there would likely be an increase in demand for local goods and services. This would be a positive for local business and employment opportunities.

As Karuah is split between the Port Stephens and Great Lakes local government areas, consultation with Great Lakes Council is recommended.

(Note: the Karuah river forms the LGA boundary in this locality).

Rezone 290 and part 308 Tarean Road, Karuah to residential

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Minerals and Petroleum
Energy Australia
Hunter Water Corporation
NSW Rural Fire Service
Adjoining LGAs
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **State contributions are recommended because:**
 - other residential release land in Karuah (Wattle and Holdom precinct) is required to contribute towards state infrastructure;
 - the PP suggests the site would be developed into 33 residential lots and the Department has required state contributions of sites with less yield; and
 - the planning controls proposed for this 11.5 ha site would provide capacity for over 100 residential lots.

Council should map the site as an urban release area and update the Explanation of Provisions in the PP.

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Council Report and Minutes.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
RCP Map.pdf	Map	Yes
Karuah Growth Strategy Map.pdf	Map	Yes

Planning Team Recommendation

Rezone 290 and part 308 Tarean Road, Karuah to residential

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

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information :

1. Prior to undertaking public exhibition, Council is to:
 - (a) ensure lot and DP references reflect the correct lot and DP, ie lot 20 DP 579653 and lot 21 DP 579653;
 - (b) amend the planning proposal to include all of lot 21 DP 579653;
 - (c) amend the Objectives to state the desired strategic planning outcomes the planning proposal intends to achieve for the site, including the protection of the green corridor;
 - (d) amend the Explanation of Provisions to include an appropriate environmental zone to the part of lot 21 which forms part of the green corridor;
 - (e) amend the Explanation of Provisions to note that the residential zoned part of the site will be mapped as an Urban Release Area and prepare a map accordingly;
 - (f) include in the planning proposal an assessment against the matters listed in clause 8 of SEPP 71 Coastal Protection and s117 direction 2.2 Coastal Protection;
 - (g) undertake a preliminary investigation into contamination as required by clause 6 of SEPP 55 Remediation of Land and update the planning proposal accordingly; and
 - (h) include in the planning proposal maps showing the existing zone, lot size and height that applies to the site.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Hunter Water Corporation
- Office of Environment & Heritage (green corridor, s117 direction 2.1, direction 2.3, direction 5.1 as well as SEPP 44 Koala Habitat Protection)
- Department of Primary Industries (Agriculture) (s117 direction 1.2, direction 1.5 as well as SEPP(Rural Lands) 2008)
- Trade & Investment (Resources & Energy Division) (s117 direction 1.3)
- Local Aboriginal Land Council
- Great Lakes Council
- NSW Rural Fire Service (s117 direction 4.4)
- Energy Australia (transmission line)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Rezone 290 and part 308 Tarean Road, Karuah to residential

Plan-making delegation should be given to Council.

Supporting Reasons : **Per report.**

Signature:



Printed Name:

KOFLAHERTY

Date:

17/9/14