



PLANNING PROPOSAL

Proposed amendment to Port Stephens Local Environmental Plan 2013

Proposal to rezone land at
Lot 20 DP 579653 and part Lot 21 DP 5797653
290 Tarean Road and part 308 Tarean Road, Karuah

July 2014

Contact

Strategic Planning Team

Ph: (02) 4980 0383

PLANNING PROPOSAL – 290 TAREAN ROAD AND PART 308 TAREAN ROAD, KARUAH

Local Government area: Port Stephens Council

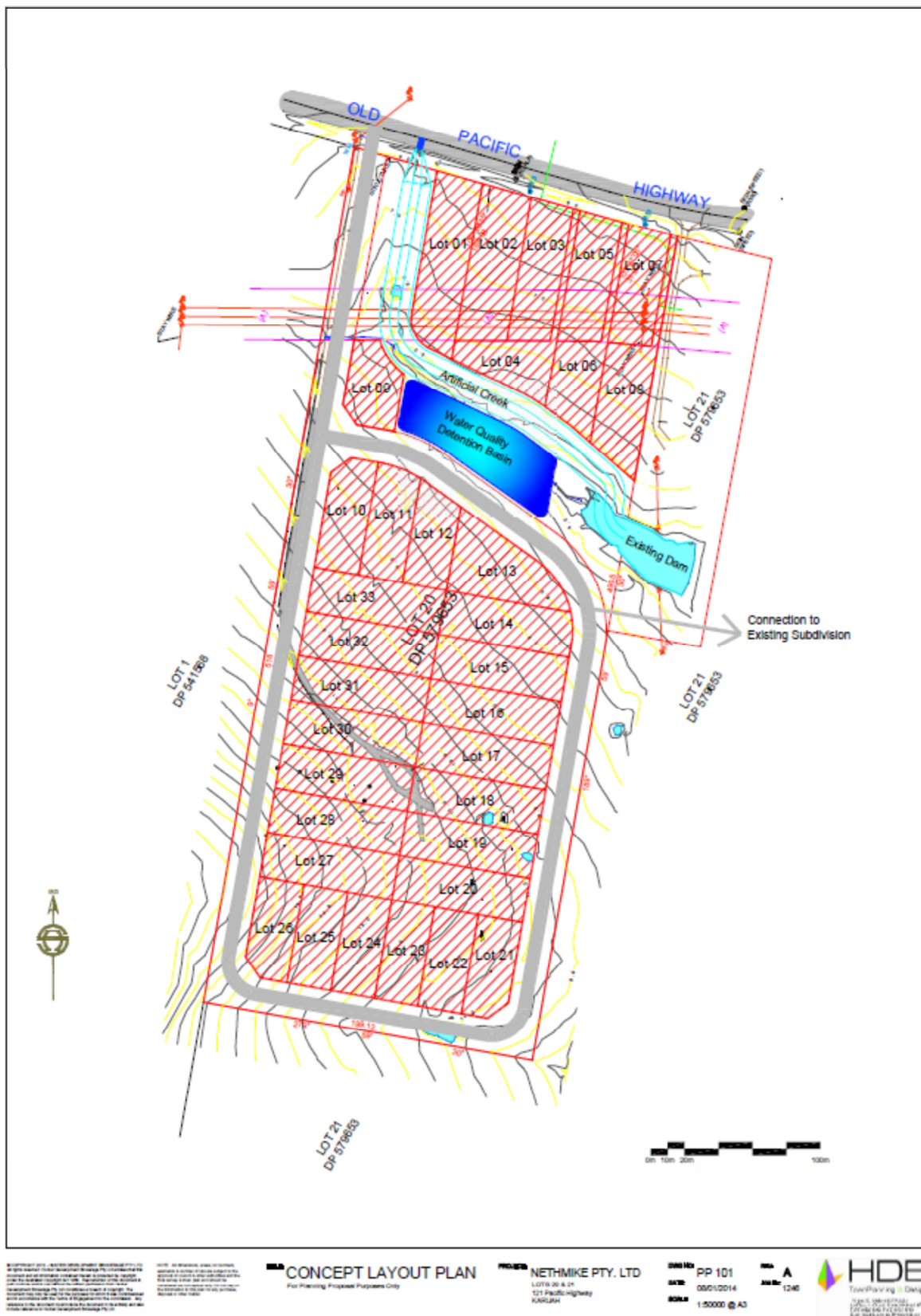
Address: 290 Tarean Road and part 308 Tarean Road, Karuah (Lot 20 DP 579653 and part Lot 21 DP 5797653) (as shown on Figure 1).

Introduction

This Planning Proposal aims to establish the merit for investigating proposed changes to the zone, height of buildings and minimum lot size provisions for Lot 20 DP 579653 and part Lot 21 DP579853, 290 Tarean Road and part 308 Tarean Road Karuah to enable subdivision of land for residential use. The concept layout proposes a 33 lot subdivision on the 11.5 hectares of land (see Figure 2).



Figure 1 Locality Map



PART 1 – Objective of the proposed Local Environmental Plan Amendment

The planning proposal aims to amend the Port Stephens Local Environmental Plan 2013 pursuant to Section 55 of the Environmental Planning and Assessment Act 1979.

The amendments are as follows-

1. Amend the land zoning map relating to Lot 20 DP 579653 and part Lot 21 DP579853, 290 Tarean Road and part 308 Tarean Road Karuah. The proposal seeks to rezone the lots from RU2 Rural Landscape to R2 Low Density Residential.
2. Amend the lot size map relating to Lot 20 DP 579653 and part Lot 21 DP579853, 290 Tarean Road and part 308 Tarean Road Karuah. The proposal seeks to amend the lot size map to reflect a lot size of 500sq.m.
3. Amend the height of building map relating to Lot 20 DP 579653 and part Lot 21 DP579853, 290 Tarean Road and part 308 Tarean Road Karuah. The proposal seeks to amend the height of building map to reflect a height of 9m.

PART 2 – Explanation of the provisions to be included in proposed LEP

The proposal will be implemented by amendment of the Port Stephens Local Environmental Plan 2013, which will:

Amendment Applies to-	Explanation of Provision
Land Zoning Map (LZN_003B)	Lot 20 DP 579653 and part Lot 21 DP 579653 (290 Tarean Road and part 308 Tarean Road Karuah) R2 Low Density Residential.
Lot Size Map (LSZ_003B)	Lot 20 DP 579653 and part Lot 21 DP 579653 (290 Tarean Road and part 308 Tarean Road Karuah) 500sq.m.
Height of Building Map (HOB_003B)	Lot 20 DP 579653 and part Lot 21 DP 579653 (290 Tarean Road and part 308 Tarean Road, Karuah) 9m.

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

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

The lands subject to this planning proposal were identified in the Port Stephens Karuah Growth Strategy. The purpose of the Karuah Growth Strategy is to provide strategic level guidance for the future development of Karuah. The Strategy identifies the subject lands as within the Potential Second Stage Urban Release Area. Lands within the Potential Second Stage Urban Release Area have been identified as suitable for residential development as part of the Karuah Growth Strategy.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The current zoning of the subject sites does not permit increased levels of residential development. Amending the zoning of the subject sites via this planning proposal is the most appropriate way to achieve residential development on the site consistent with the intent of the Karuah Growth Strategy. The Karuah Growth Strategy identifies the subject sites as an urban growth area, that is, land suitable for release as new residential land.

SECTION B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy is a strategic planning framework to guide the sustainable growth of the lower Hunter over the next 25 years. The Lower Hunter Regional Strategy identifies a small amount of additional urban development (subject to planning investigations) on land immediately adjacent to the existing settlement in Karuah. The subject sites are located within the proposed urban areas identified in the Lower Hunter Regional Strategy.

While the Lower Hunter Regional Strategy does not specifically identify the number of lots within the proposed new residential areas in Karuah, the Strategy aims to provide 115,000 new dwellings to the Lower Hunter Region by 2031. The Planning Proposal aims to deliver potentially an additional 33 residential lots to the Karuah area which will contribute to the delivery of new residential land.

The proposal is not contrary to the Lower Hunter Conservation Plan.

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

Council's Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022) which states that Council should provide for a range of lot sizes and housing types to respond to demographic needs and affordability. The proposal will potentially add an additional thirty three (33) lots to residential land in the Karuah area.

Port Stephens Planning Strategy 2011-2036

The proposal is consistent with the Planning Strategy. The Strategy states there is considerable potential to expand residential development and that the

Karuah Growth Strategy will direct development. The Strategy identifies future growth areas and the subject sites are identified in the Strategy as "potential future residential development".

Karuah Growth Strategy 2011

The Karuah Growth Strategy identifies land adjacent to the Karuah town centre and south of Tarean Road as suitable for development. The Karuah Growth Strategy identifies three stages for land release. The Karuah Growth Strategy identifies the subject site as a Potential Second Stage Urban Release Area. Stage One of the Urban Release Area has completed the rezoning process and includes the Local Environmental Plan 2013 Amendment 5, which was gazetted on the 27 June 2014. The Karuah Growth Strategy states the staging should be done to respond to market demand. The planning proposal is considered consistent with the aims of this Strategy.

6. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 44 – Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	The Port Stephens Comprehensive Koala Plan of Management (CKPoM) is applied in Port Stephens LGA for the purpose of implementing SEPP 44. The site contains preferred feed trees, however investigations have been undertaken and given the disturbed nature of the site it would be possible for a 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.
SEPP 55 – Remediation of Land	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.	Preliminary investigations have been undertaken into past use of the site. No contamination was identified on the site.
SEPP 71 – Coastal	It aims to ensure that:	SEPP 71 is applicable to the

Protection	• development in the NSW coastal zone is appropriate and suitably located; • there is a consistent and strategic approach to coastal planning and management; and • there is a clear development assessment framework for the Coastal Zone	subject site. The requirements of the SEPP will be given due consideration during the development application stage.
SEPP Affordable Rental Housing 2009	Provides for a consistent planning regime for the provision of affordable rental housing to facilitate the effective delivery and retention of new affordable rental housing.	The planning proposal aims to rezone land for residential purposes. This will result in lands being available for use under the SEPP.
SEPP Housing for Seniors or people with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	The planning proposal aims to rezone land for residential purposes. This will result in lands being available for use under the SEPP.
SEPP Infrastructure 2007	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	The planning proposal aims to rezone land for residential purposes. This will result in lands being available for use under the SEPP.
SEPP (Rural Lands) 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	The proposal seeks to rezone lands from a rural zone to a residential zone. The land is currently underutilised for agricultural uses and has been identified within the Karuah Growth Strategy as being suitable for residential purposes.

Section 117 Ministerial Directions

7. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The land is currently underutilised and has been identified within the Karuah

		Growth Strategy as suitable for residential development.
1.4 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	The subject lands have been identified within the Karuah Growth Strategy as being suitable for residential purposes.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Flora and Fauna assessments have been undertaken on the subject sites, which identified no threatened flora or fauna on site. Due to presence of cleared rural land, the site does not provide linkages or corridors between proximate areas of habitat. Recommendations from this report are outlined in Section C. The recommendations and further assessment can be undertaken and implemented at the development application stage.
2.2 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	An Aboriginal Archaeological assessment was undertaken for the site. The assessment identified 3 Aboriginal objects; 2 isolated artefacts and a potential scarred tree. Further consultation with the Office of Environment and Heritage be undertaken post Gateway determination to ensure the protection of these artefacts. Further investigations and consideration to also be given at the development application stage.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential	The planning proposal seeks to rezone land for residential purposes. This is consistent with 3.1 Residential zones.

	development on the environment and resource lands.	
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.	The planning proposal seeks to rezone land for residential purposes which could lead to the use of dwellings for Home occupation.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	The current proposal seeks to zone the land for residential purposes. The subdivision layout and transport objectives will be determined at develop application stage. Nothing in this proposal would prohibit the integrating of land use and transport.
4. HAZARD AND RISK		
4.4 Planning for Bushfire Protection	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.	A bushfire assessment was undertaken for the site, the recommendation of which was the subject sites could accommodate buildings on site once active safe guards were adopted in accordance with AS3959-1999. This would be investigated and given further consideration during the development application stage.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The proposal is consistent with the objectives contained within the Lower Hunter Regional Strategy.
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This planning proposal seeks a gateway Determination from the Department of Planning and Environment.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	No site specific planning controls are proposed within this planning proposal. The amendments being sought are consistent with existing standard clauses under the Port Stephens Local Environmental Plan 2013.

SECTION C – Environmental, Social and Economic Impact

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

Flora and Fauna assessments have been undertaken on the subject sites, the most recent being dated February 2013 (RPS Australia), which identified no threatened flora or fauna on site. Due to presence of cleared rural land, the site does not provide linkages or corridors between proximate areas of habitat.

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. The Flora and Fauna assessment undertaken assessed the subject sites against the Port Stephens Comprehensive Koala Plan of Management. 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 consider the existing trees on site.

Recommendations were made within the assessment to enhance ecological attributes of the site, it was encourage that these be considered during the development design phase. These were outlined as-

- Adequate controls to protect creek line including fencing, sediment control devices and oil traps during construction and operational phases of the development;
- Adequate measures should be taken to discourage the dumping of rubbish on site to prevent degradation to the creek line;
- Native trees should be retained on site where possible;
- Landscaping of this site should aim to utilise locally occurring flowering/fruited native shrubs that would provide potential foraging resources for threatened species and other protected native species. Tree planting should consider the use of preferred koala food trees, such as *Eucalyptus tereticornis* (Forest Red Gum), *Eucalyptus parramattensis* (Parramatta Red Gum) and *Eucalyptus robusta* (Swamp Mahogany).

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

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Aboriginal Heritage Assessment identified two isolated artefacts and a scarred tree on the subject sites, the isolated artefacts being two Stone Fakes. The investigation identified the need to protect the items via buffer zones in the development of the subdivision layout. The Aboriginal Due Diligence Assessment recommends the lot layout be amended to ensure all identified

objects are not harmed and to advise all of a person's obligations under the National Parks and Wildlife Act 1974. The concept layout plan in its current form will likely disturb a stone flake artefact as a result of the road access construction. If this is the case, appropriate permits will need to be obtained before any development assessment investigation. It is suggested that further consultation with the Office of Environment and Heritage be undertaken post Gateway determination to ensure the protection of these artefacts.

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

Yes. The proposal if approved could result in an addition of 33 lots to Karuah.

The social impacts of the proposal are:

- A potential increase in the supply of housing.
- Possible community reaction to the rezoning- which will be determined through the public exhibition process.

A Traffic Assessment was undertaken and concluded traffic and parking arrangements for the proposal are satisfactory. An Access and Mobility Study recommended the following to be addressed:

- Implementing pedestrian and cycling links to facilitate connectivity to the Karuah Town Centre
- Lowering existing road speed limits to enable the coexistence of pedestrians, cyclists and motor vehicles within the road corridor, which is consistent with the principles of the Karuah Growth Strategy
- Encouraging public transport, concentrating on bus infrastructure, and providing additional bus stops

These recommendations should be addressed in any subsequent development application. Additionally, Council recommends all access to individual lots via internal roads and further investigation for a future pedestrian and cycleway link directly to the east into the adjoining residential subdivision.

The economic effects are:

- Potential employment creation associated with the construction and ongoing occupation of any dwelling on the site.

SECTION D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The Karuah Growth Strategy states Karuah currently has adequate infrastructure for housing delivery in the short to medium term. Preliminary advice from public authorities has been submitted by the proponent stating the proposed residential yield has access to telecommunication and electrical services. A Wastewater Assessment concluded existing wastewater infrastructure has sufficient capacity to service the proposed development. A Water and Wastewater Assessment concluded that there is sufficient

capacity within Port Stephens Water Supply System to meet the proposed additional demand of 33 lots.

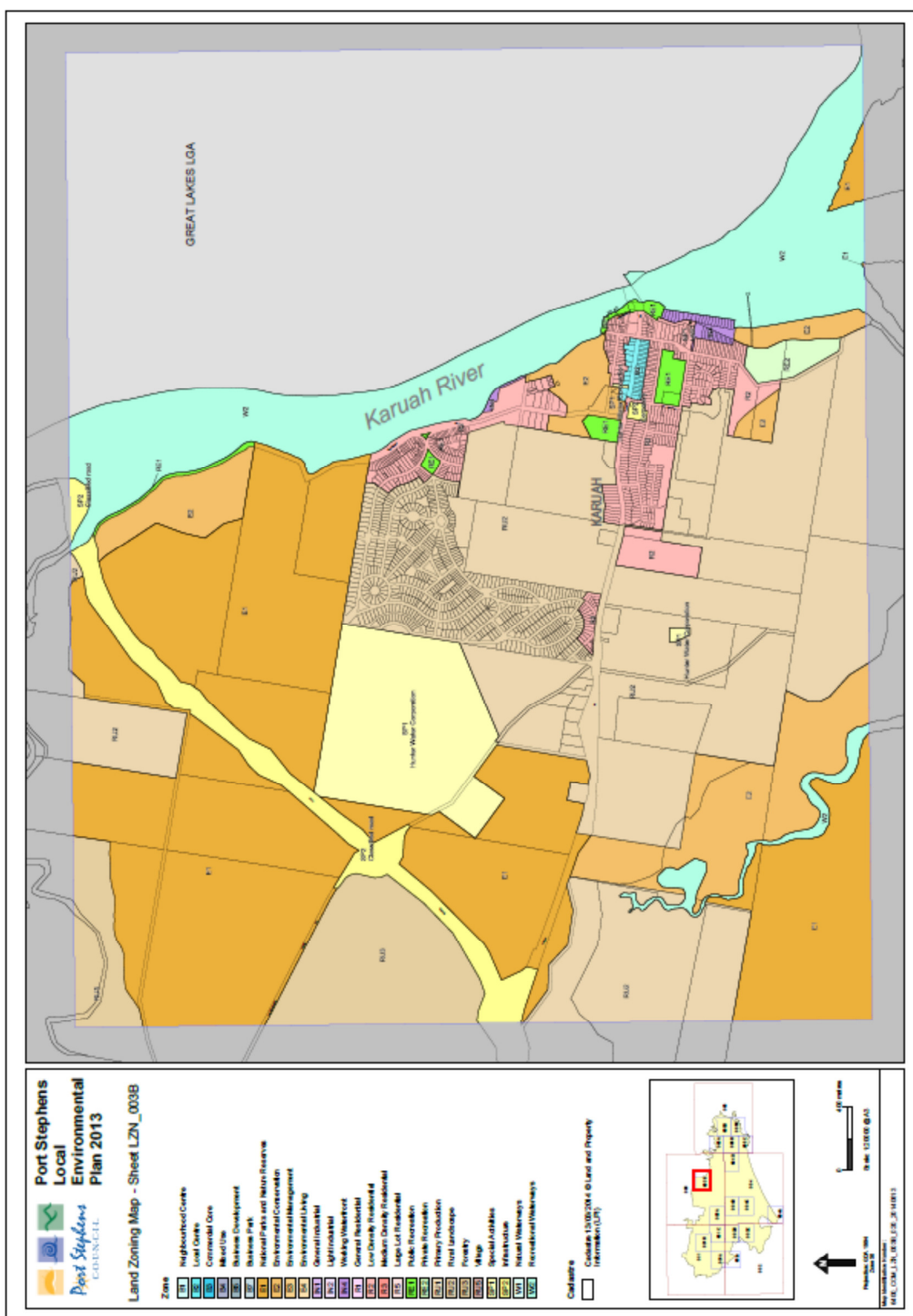
Connectivity to the adjacent existing subdivision can be achieved to encourage the walkability of future residential development. The proposed future development will be able to connect to existing public transport via provision of bus shelters or the like. The proposed future development will be able to implement pedestrian and cycling links to facilitate connectivity to the Karuah Town Centre in accordance with the recommendations of relevant Traffic and Access & Mobility Studies completed for the sites.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

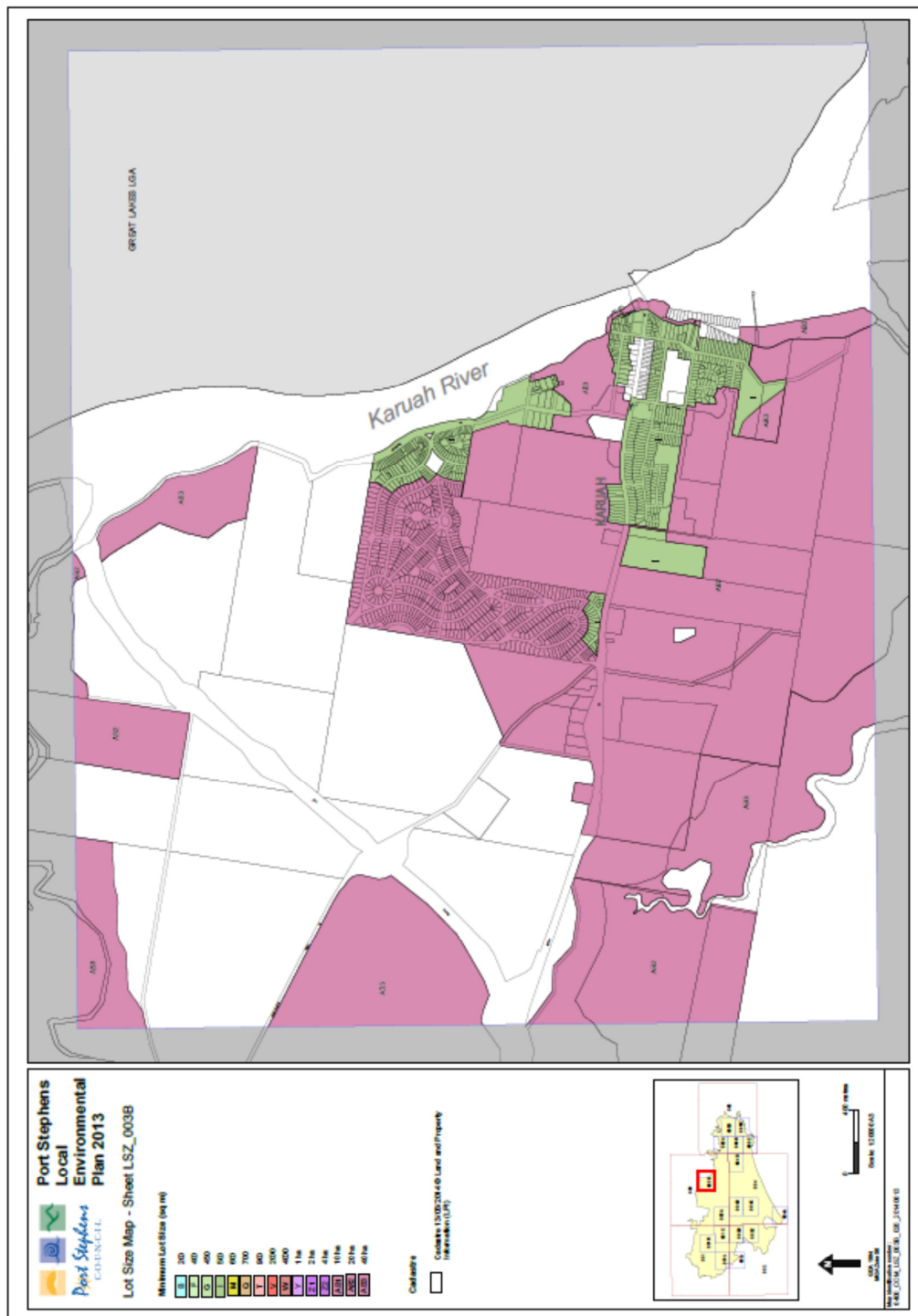
State and Commonwealth public authorities will be consulted in accordance with the Gateway determination.

Part 4 – Mapping

The following map layers are included within this planning proposal:



Proposed Lot Size Map



Proposed Height of Building Map



Part 5 – Community Consultation

The planning proposal will likely be exhibited for a minimum of 28 days, in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and in accordance with Sections 5.5.2 and 5.5.3 of the Department of Planning and Environment's guideline "A guide to preparing Local Environmental Plans" (April, 2013).

Part 6 – Project Timeline

The Planning Proposal is intended to follow the timeline set out in the following table:

	Task Description	Estimated Timeline
1.	Gateway Determination	August - October 2014
2.	Completion of required technical information	October – January 2015
3.	Government agency consultation	February 2015
4.	Community consultation period	March 2015
5.	Consideration of submissions and finalise the draft plan	April 2015
6.	Submission to Department with request to make the plan.	May 2015
7.	Legal drafting and making of the Plan	June – July 2015
