

ITEM NO. 7

FILE NO: PSC2006-0815

PLANNING PROPOSAL – LOT 20 DP 5795653 AND PART LOT 21 DP 579653 - 290 TAREAN ROAD AND PART 308 TAREAN ROAD, KARUAH

REPORT OF: TIM CROSDALE - STRATEGY AND ENVIRONMENT SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to rezone lot 20 DP 5795653 and part Lot 21 DP 579653 – 290 Tarean Road and part 308 Tarean Road, Karuah from RU2 Rural Landscape to R2 Low Density Residential with a minimum lot size of 500sq.m and an amendment of 9m to the height of building map;
- 2) Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make a Gateway Determination and give delegation to Council to make the plan.

**ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor John Nell
	That the recommendation be adopted.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Steve Tucker, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Nil.

MOTION

206	Councillor Paul Le Mottee Councillor Steve Tucker
	It was resolved that Council: 1) Adopt the planning proposal (ATTACHMENT 1) to rezone lot 20 DP 5795653 and part Lot 21 DP 579653 – 290 Tarean Road and part 308 Tarean Road, Karuah from RU2 Rural Landscape to R2 Low Density Residential with a minimum lot size of 500sq.m and an amendment of 9m to the height of building map; 2) Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make

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	a Gateway Determination and give delegation to Council to make the plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Steve Tucker, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the Planning Proposal (**ATTACHMENT 1**) to forward to the Minister with a request to amend to the Port Stephens Local Environmental Plan 2013. The Planning Proposal seeks to rezone the subject land to facilitate development for residential purposes which is consistent with the directives contained within the Karuah Growth Strategy.

Council has previously supported a proposed rezoning of the subject site in 2007 (**ATTACHMENT 2**). The then Department of Planning did not support the proposal at the time as the lands were not identified in any strategic study. Council have since adopted the Karuah Growth Strategy which supports the proposed rezoning of the subject sites. A new planning proposal was subsequently lodged and is the subject of this report.

Details of the Planning Proposal:

Subject land:	Lot 20 DP 5795653 and part Lot 21 DP579653 (290 Tarean Road and part 308 Tarean Road, Karuah)
Proponent:	HDB Town Planning and Design
Lodgement Date:	28 January 2014
Current zones:	RU2 Rural Landscape.
Proposed zones:	R2 Low Density Residential with a minimum lot size of 500sq.m and height of buildings of 9m.
Potential Lot Yield:	33 lots

A copy of the Proponent's Planning Proposal is provided in the Councillor's room. The amendments being sought as part of the recommended are consistent with standard clauses relating to lot size and building heights for R2 zoned land in Karuah under the Port Stephens Councils Local Environmental Plan 2013.

Revised Planning Proposal

The planning proposal submitted by the proponent has some minor discrepancies in relation to the lot yield and zone boundary. To make the proposal more understandable a revised Planning Proposal is recommended with this report

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(ATTACHMENT 1) for forwarding to the NSW Department of Planning and Environment.

FINANCIAL/RESOURCE IMPLICATIONS

The Planning Proposal will be progressed using existing budget allocations and the rezoning fees for the Planning Proposal that has been paid by the landowners. Rezoning Stage 1 fees have been paid under Fees and Charges 2013-2014.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	10,500	Rezoning stage 1 fees under Fees and Charges 2013- 2014
Reserve Funds	No		
Section 94	No		Section 94 Developer Contributions would be required at a future stage if the land is subdivided in accordance with a granted development consent.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Planning Proposal is to be progressed in a manner consistent with statutory and policy requirements.

Environmental Planning and Assessment Act 1979

Council will request delegation to make this plan under s59 of the Environmental Planning and Assessment Act 1979.

Lower Hunter Regional Strategy and Port Stephens Planning Strategy 2011-2036

The Planning Proposal is consistent with the Port Stephens Planning Strategy and the Lower Hunter Regional Strategy.

Karuah Growth Strategy 2011

In the Karuah Growth Strategy, a staging plan is proposed for the release of new urban land in Karuah. The Planning Proposal is identified in the Karuah Growth Strategy as a second stage urban release area. The areas proposed for staged urban expansion are located so they make efficient use of infrastructure, and can be developed in stages in response to market demand. The Strategy states in order to provide market competition and land/housing choice there is merit in Stage 1 and Stage 2 of the land release program progressing. Stage 1 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 proposal is considered consistent with the Karuah Growth Strategy 2011.

The risks associated with progressing the Planning Proposal are minimal.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that due process is not followed.	Low	Care is taken to ensure due process is followed in accordance with the Environmental Planning and Assessment Act 1979 and Council procedures.	Yes
There is a risk that the Planning Proposal does not proceed.	Low	Ensure that planning issues are identified during the Planning Proposal process are addressed efficiently and effectively.	Yes
There is a risk that the Planning Proposal is amended during the decision making process.	Low	Ensure that any amendments are consistent with ensuring that the objectives of the Planning Proposal are met.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Implications

The rezoning could potentially yield an additional 33 lots to the Karuah area; the proposed additional lots could support economic activity and housing choice within the locality and provide additional population to the township.

The planning proposal addresses two of the key priorities of the Karuah Growth Strategy being:

- 1) Housing choice and diversity to meet market needs; and
- 2) Employment and opportunities for economic development.

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.

Services and Infrastructure

As outlined in the Karuah Growth Strategy, Karuah currently has adequate infrastructure for housing delivery in the short to medium term. The proposal could therefore be adequately serviced.

Environmental Implications

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. 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.

The Aboriginal Heritage Assessment identified two isolated artefacts and a scarred tree on the subject sites, the isolated artefacts being two Stone Fakes. The Aboriginal Due Diligence Assessment recommends the lot layout be amended to ensure all identified objects are not harmed (preferably protected within a buffer zone). Further discussion should be undertaken with the Office of Environment and Heritage post gateway determination.

The site has minimal environmental value due to the presence of cleared rural land. Flora and Fauna assessments have been undertaken on the subject sites and recommendations have been made within the assessment to enhance ecological attributes of the site, which can be considered during the development or application 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).

CONSULTATION

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Subject to receiving a Gateway Determination allowing a planning proposal to proceed, it is proposed to place the Planning Proposal on public exhibition for a minimum period of 28 days. Adjoining landowners will be notified in writing and consultation with relevant authorities will be undertaken. Any further consultation requirements will be set by a Gateway Determination.

OPTIONS

- 1) Adopt the recommendation and forward the recommended Planning Proposal at **(ATTACHMENT 1)** to the NSW Department of Planning and Environment for a Gateway Determination and request Council has delegation to make the plan;
- 2) Amend the planning proposal. This is not the preferred option;
- 3) Council not proceed to support the planning proposal. This is not the preferred option as the Karuah Growth Strategy identifies the area as a second stage urban release area and the planning proposal is consistent with this strategy.

ATTACHMENTS

- 1) Recommended Planning Proposal;
- 2) Council meeting minutes – 18 December 2007.

COUNCILLORS ROOM

- 1) Planning Proposal (submitted by Proponent).

TABLED DOCUMENTS

Nil.

MINUTES FOR ORDINARY MEETING – 18 DECEMBER 2007

ITEM NO. 6

FILE NO: 9750-013

**REQUEST TO AMEND LOCAL ENVIRONMENTAL PLAN 2000 –
REZONE LAND AT 290 TAREAN ROAD, KARUAH, TO FACILITATE
RESIDENTIAL DEVELOPMENT.**

REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to support the rezoning request over a portion of Lot 20 DP 579653, Lot 21 DP 579653 and Lot 2 DP 748343 Tarean Road, Karuah for residential development to enable the draft amendment to proceed in accordance with Section 54 of the *Environmental Planning and Assessment Act 1979 (Attachment 1)*, subject to the proponent resolving adequate connection through to George Street on the adjoining subdivision to the east to enable adequate connection with the adjoining street networks.
- 2) Resolve to prepare draft amendments for the subject land to the Port Stephens Development Control Plan 2007.

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RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 18 DECEMBER 2007

RESOLUTION:

383	Councillor Francis Councillor Brown	It was resolved that the recommendation be adopted.
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Note: Cr Dingle left the meeting at 7.13pm during Item 6 and returned at 7.16pm during Item 6.

ITEM NO. 6

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RESIDENTIAL DEVELOPMENT.**

REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to support the rezoning request over a portion of Lot 20 DP 579653, Lot 21 DP 579653 and Lot 2 DP 748343 Tarean Road, Karuah for residential development to enable the draft amendment to proceed in accordance with Section 54 of the *Environmental Planning and Assessment Act 1979* (Attachment 1), subject to the proponent resolving adequate connection through to George Street on the adjoining subdivision to the east to enable adequate connection with the adjoining street networks.
- 2) Resolve to prepare draft amendments for the subject land to the Port Stephens Development Control Plan 2007.

PURPOSE

The purpose of this report is to recommend that Council support the rezoning request for limited residential development under Section 54 of the *Environmental Planning and Assessment Act 1979*.

PROPOSAL DETAILS

Owner	Nethmike Pty Ltd
Proponent	Hunter Development Brokerage
Date of Submission	May 2005
Subject Land	Lot 20 DP 579653, 290 Tarean Rd, Karuah Lot 21 DP 579653, 308 Tarean Rd, Karuah Lot 2 DP 748343, 314 Tarean Rd, Karuah
Current Land Use Zone	1(a) Rural Agriculture
Proposed Land Use Zone	2(a) Residential (Attachment 2)

BACKGROUND

Specific areas of Karuah have been identified in the *Lower Hunter Regional Strategy (LHRS)* as proposed future urban growth areas subject to local planning. The site adjoins areas identified in Council's *Community Settlement and Infrastructure Strategy 2007 (CSIS)* as having potential for urban development.

Council's Rezoning Assessment Panel met with the proponents in December 2004 and advised that rezoning of the subject land for residential development had merit in principle. The rezoning request was lodged in May 2005 and proposed to rezone Lot 20 DP 579653 in its entirety which equates to approximately 80 residential lots (Attachment 2). Due to

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consideration of the relevant issues it has been recommended that portions of ; Lot 21 DP 579653, Lot 2 DP 748343 and Lot 20 DP 579653 be rezoned for residential purposes as shown on the Recommended Zoning Map in Attachment 1. The owners of Lot's 20 and 21 DP 579653 have given authorisation for the proposal, but the owner of Lot 2 DP 748343 has been notified but has not given authorisation to the proponent.

The proponent has had ongoing discussions with Council on matters of connectivity and access of the proposed residential area to the recently developed George Street to the east. Physical connection and integration of the proposed rezoning to the existing neighbourhood and direct access to existing open space (Aliceton Reserve) and the village centre are vital aspects to this rezoning proposal.

In keeping with the construction of the adjoining residential development (River Glades Estate) and Draft LEP 24 (Wattle and Holdom Streets), it is recommended that development be restricted to the area north of the flood line. This will minimise environmental impacts and focus urban development towards Tarean Road and the existing village. The topography and flood line has defined the extent of Karuah to date. The recommended Draft LEP should continue to apply this principle.

Advice from the LEP Review Panel

Council has resolved to prepare Draft LEP 24 (Wattle and Holdom Street) and Draft LEP 27 (339 Tarean Road) (Attachment 3). Council has received advice from Department of Planning's LEP Review Panel stating that The Panel do not support Draft LEP 27 due to; the site identified in Lower Hunter Regional Strategy (LHRS) as part of the 'Green Corridor' and that, Draft LEP 24 in conjunction with existing residential land provides sufficient residential land to supply Karuah at this stage.

Council has written to LEP Review Panel advising that Draft LEP 27 has strategic merit and economic benefits for Karuah and has requested The Panel reconsider Draft LEP. Draft LEP 27 as shown on map Attachment 3, is 600 metres from the village centre and as such will provide economic benefits to Karuah businesses. Those economic benefits are manifested through increased number of population in close proximity to the main street. Economic sustainability of the main street is justification for loss of vegetation in the 'Green Corridor' bearing in mind that the proposal retains the SEPP 14 wetland area with a 50m buffer. Some vegetation loss can be justified where there are direct public benefits through economic sustainability gains.

Due to proximity to the main street, Draft LEP 27 is preferred over the site subject of this report. 290 Tarean Road is suitable for limited development but is more removed from the village centre than Draft LEP 27. However, in light of the Department of Planning's advice, support for 290 Tarean Road becomes more essential in securing an improved the trade catchment for Karuah businesses in the short term.

Future development in Karuah regarding all three proposals is supported based on sound planning principles and that:

- Karuah is experiencing adverse economic effects due to the Pacific Highway by-pass
- Population increase in the right location will contribute to the economic sustainability of Karuah

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- Karuah Wastewater Treatment Works capacity can accommodate all three developments
- Limited amount of residential development in walkable distances to shops, parks and community facilities and resultant vegetation loss is an acceptable balance.
- The three proposals represents a 'rounding-off' of Karuah's population and not over-development

LINKS TO CORPORATE PLANS

This report addresses the strategic and future directions of Council's Plan 2005-2008 in particular:

- Integrating planning for facilities and services.
- Promote, plan and guide development to create sustainable communities that conserve and enhance the natural and built environment.
- Ensure that our planning framework provides appropriate levels of housing, transport, infrastructure, human services and community facilities across all of our communities.
- Alignment of Council Plans.
- Alignment with State and Regional Plans.
- Deliver facilities and services to meet community needs now and in the future.
- Development focuses on our communities being sustainable.

FINANCIAL/RESOURCE IMPLICATIONS

The rezoning request will attract the prescribed rezoning fees in accordance with Council's Fees and Charges Schedule 2007. Should Council adopt the recommendations of this report, Land Use Planning will invest staff time to prepare and submit the standard Section 54 information to the Department of Planning's LEP Review Panel.

LEGAL AND POLICY IMPLICATIONS

Legal – There are no legal requirements should Council adopt or reject the recommendations of this report. This includes the owner of Lot 2 DP 748343 who has not authorised the proponent that they support the inclusion of their land in the submitted rezoning request. Despite this Council has the authority to consider zoning issues for this land.

Policy – The subject land has not been identified for residential development in the *Port Stephens Community Settlement and Infrastructure Strategy 2007* in *E3 Local Area Strategies for Karuah*. For this reason the criteria in *Part G3 Land Not Identified for Development* applies.

Part G3 Land Not Identified for Development

Part G3 – 1 Shall be consistent with the **Part F Sustainability Principles and Criteria, the Integrated Land Use and Transport Policy package and the Coastal Design Guidelines for NSW.**

The recommended rezoning is consistent with the *Land Use Transport Policy Package* and the *Coastal Design Guidelines*. In this location development will support walking and cycling through connective links to the adjoining development.

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The development will be consistent with the *Coastal Design Guidelines* in that development will reinforce the existing town and will be consistent with the existing street pattern of the coastal village.

The proposal is generally consistent with Part F Sustainability Criteria as follows:

F1 Settlement and Movement Network – The Draft LEP land will have connections to Tarean Road and the local street network through George Street. This will enable vehicular and pedestrian access via these streets improving connectivity of the site with the village centre which are important connections.

F2 Infrastructure, Services and Facilities – There are existing services in Karuah. Hunter Water has indicated the capacity of the sewerage system at Karuah, in particular the wastewater treatment and effluent disposal component of the system, is limited. It is considered that this rezoning proposal combined with adjoining developments will be within this limit. Since the Pacific Highway bypass of Karuah an increase in population of the area will provide increased viability of services and infrastructure in the village.

F3 Quality Places to Live – The site will have access to the village centre for both pedestrians and vehicles. The proposal is not intended to be a gated community nor will it isolate residents from the surrounding area. Design of the street blocks will enable efficient development and solar access for future dwellings.

F4 Natural Areas and Resources – The rezoning request is consistent with these principles. Development on the site will be restricted to the north of the flood affected land and utilise Water Sensitive Urban Design Practices. This will limit impacts on natural areas including nearby Wetlands and the Karuah River.

F5 Economics and Employment – The Karuah village has experienced an economic downturn since the realignment of the Pacific Highway and subsequent bypass of Karuah. Residential development will have positive effect through construction works and will contribute to the local village businesses.

F6 Sustainability Criteria - (The LHRS's Sustainability Thresholds Criteria and to be applied for any proposed development outside designated areas in Regional Strategy). The site is not identified in the LHRS. The criteria in the LHRS are for the consideration of the Department of Planning.

G3 – 2 Greenfield land not physically attached to existing urban-zoned land and located on a transport corridor identified for the purposes of this Strategy in Figure 45 will require a minimum of 50 hectares of developable land excluding land required for bushfire hazard buffers and passive open space including wetland and riparian buffers - The site is physically attached to residential zoned land to the east.

G3 – 3 Rezoning requests for land that meets Criteria 2 will only be considered if they are located on the transport corridor. Proposals that are located away from the transport corridor or, due to land use constraints, cannot achieve acceptable vehicular and pedestrian access on to the transport corridor will not be considered - The site is located on a transport corridor and adjoining residential zoned land, development will have connections to the adjoining pedestrian and vehicular network.

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G3 – 4 Rezoning requests for land not strategically identified for development will require a Local Environmental Study (L.E.S) to be prepared - It is considered that an LES is not required in accordance with Section 57 of the Environmental Planning Assessment Act 1979.

G3- 5 The Director General of the Department of Planning may advise of any additional issues that need to be considered in an LES before proceeding with the LEP process - refer to the Department's Planning Circular PS 06-005 and PS 06-013 for additional information. Should Council support the recommendation the Department of Planning's LEP Review Panel will be notified via Section 54.

G3 – 6 A structure plan shall be prepared by a qualified urban designer illustrating how the principles of the Strategy can be achieved. The structure plan shall illustrate how the proposed development; complements the Port Stephens transport network and centres hierarchy in terms of retail and employment; integrates the new village, neighbourhood or town with the transport corridor; and can achieve the principles of the Strategy - Should the recommendation to rezone the land be supported a structure plan and indicative lot layout will be required illustrating the position of lots and how connectivity will be achieved to the adjoining areas. A structure plan has been submitted by the proponent that illustrates that street connection to adjoining residential area to the east can be achieved.

G3 - 7 Rezoning requests shall address strategic traffic and transport planning issues including investigation and assessment of road hierarchy, strategic access controls, intersection locations and conceptual treatments to be provided for these connections - The proposal will not have adverse impacts on the exiting street network, further investigations will be required at development application stage to access the access controls.

G3 – 8 Rezoning requests for land that meets Criteria 2 will have a minimum ratio of 20% attached or multi unit dwellings to 80% detached dwellings to increase housing diversity and housing choice and improve the social and economic viability of the new village or town - It is considered that seeking greater density of lot and dwelling type in this location on the fringes of the town would not be economically or socially desirable. It is considered justified in this instance not to meet the required minimum ration of 20% attached or multi unit dwellings to 80% detached dwellings.

G3 – 9 Rezoning requests for greenfield land attached to existing urban developed land shall demonstrate ability to physically connect with existing urban development by streets so that proposed development is a logical extension of existing urban areas. Council will determine if the proposed development warrants consideration as a new centre consistent with the principles of this Strategy - The proponents have demonstrated physical connection to adjoining urban areas can be achieved.

G3- 10 Rezoning requests for infill development will be guided by the Sustainability Principles and Criteria of the Strategy including the Transect in Figure 24 - N/A

G3 – 11 Rezoning requests for land that contribute or lead to ribbon or strip development will not be considered. For green field development the spacing of new villages, neighbourhoods or towns will be responsive to ensuring that the rural or environmental landscapes that characterise the LGA are maintained - The proposal will

define the extent of development to the west of Karuah and will define a boundary to preserve the rural and environmental character of the area.

G3 – 12 Rezoning requests to create a new village or town should be located towards transport corridor junctions to strengthen the public transport network and provide greater choice of routes for residents and transport users in the movement economy - N/A

G3 – 13 Rezoning requests for development will include an assessment of the costs of the construction, operation and maintenance of supporting infrastructure, community services and facilities and the long-term life cycle costs of such infrastructure and whether the increased rate revenue likely to be generated by the proposed development can support it - Development of the land will include construction of infrastructure on site provided by developer. Via Section 94 and /or developer agreements, additional infrastructure off site will be provided commensurate with population growth associated with rezoning request. It is considered that the proposed extension of the village of Karuah via this rezoning proposal should be supported by public streets and for part of Council's asset responsibilities. The increase in demand and use on these facilities is not likely to adversely impact on their long-term life cycle costs.

G3 – 14 If the maintenance and replacement of infrastructure, services and facilities identified in Criterion 15 cannot be supported by the increased rate revenue likely to be generated by the proposed development, then subsequent costs shall be borne by the developer and future landowners in perpetuity yet remain accessible to the public- N/A

G3 – 15 Any proposed development adjacent to the Pacific Highway will require a grade separated interchange as well as access to the local street network connecting other centres so that the role and performance of the highway as an interstate road is not undermined by local traffic-N/A

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL/ECONOMIC IMPLICATIONS

Since the construction of the Karuah By-Pass the Karuah village has experienced an economic downturn. Additional housing choice in this location will provide social and economic benefit both in the construction stage and long term as additional residents locate in the area.

Limiting development to the north of the flood line as shown on Attachment 1 will reduce isolation from the village centre that would occur should the whole site be developed. Restricting development to this area will provide the urban focus to Tarean Road and the village centre. Both vehicle and pedestrian links with existing and proposed streets will enable development with good connectivity and provide positive social outcomes. The topography and flood line have defined development in the south west of Karuah this should continue through this Draft LEP to define urban environment.

An Archaeological Heritage Impact Assessment was undertaken by Myall Coast Archaeological Services including members of the Worimi Local Aboriginal Land Council. Three artefacts were located on the site including two stone artefacts and a scarred eucalypt. The two stone artefacts were considered to be of low significance however the scarred eucalypt tree is considered to be of a high local and possibly regional significance. Should development occur on the site it should be consistent with the recommendations of the archaeological assessment.

ENVIRONMENTAL IMPLICATIONS

The site is cleared and is of limited ecological value. Flora and fauna investigations have indicated there was 1 threatened flora species (Callistemon Linearifolius) located on the southern boundary of the site. However the flora and fauna investigations indicate that should the proposal proceed, disturbance of this species is unlikely to place the local distribution at risk of extinction. Internal consultation has indicated the site is not affected by Preferred or Supplementary Koala Habitat nor is it a Koala Linking Area. However there are individual Koala Food Trees and it is recommended that these trees be protected through the development application process and the PSC Comprehensive Koala Plan of Management.

Council's mapping indicates the land as partially flood affected which flows into the SEPP 14 Wetlands in the South East. Residential development should be restricted to the north of these constraints and strict water quality control mechanisms should be put in place to protect the wetlands.

A transmission easement 30 metres wide exists over a portion on the northern area of the site. No development would be permitted under this easement. Infrastructure could be created under this easement or appropriate-shaped lots could enable the construction of dwellings outside the easement.

CONSULTATION

Internal consultation has occurred with Environmental Services, Recreation Services, Social Planning, Subdivision, Drainage and Traffic Engineers. Their comments have been considered throughout this report.

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Consultation with the NSW Department of Planning and LEP Review Panel with relation to other Draft LEP's in Karuah have been considered in this report.

Should the LEP Review Panel support the proposed rezoning Section 62 Consultation will occur between Council and the relevant Government Authorities. Consultation will be undertaken with the owner of Lot 2 DP 748343 seeking their views prior to public exhibition of the draft LEP.

OPTIONS

- 1) Adopt the recommendation of this report.
- 2) Reject the recommendation of this report.
- 3) Make amendments to the recommendation.

ATTACHMENTS

- 1) Recommended Zoning Map prepared by Council
- 2) Proposed rezoning map as submitted indicating existing zoning, flood prone land and SEPP 14 Wetland.
- 3) Draft LEP's in Karuah

COUNCILLORS ROOM

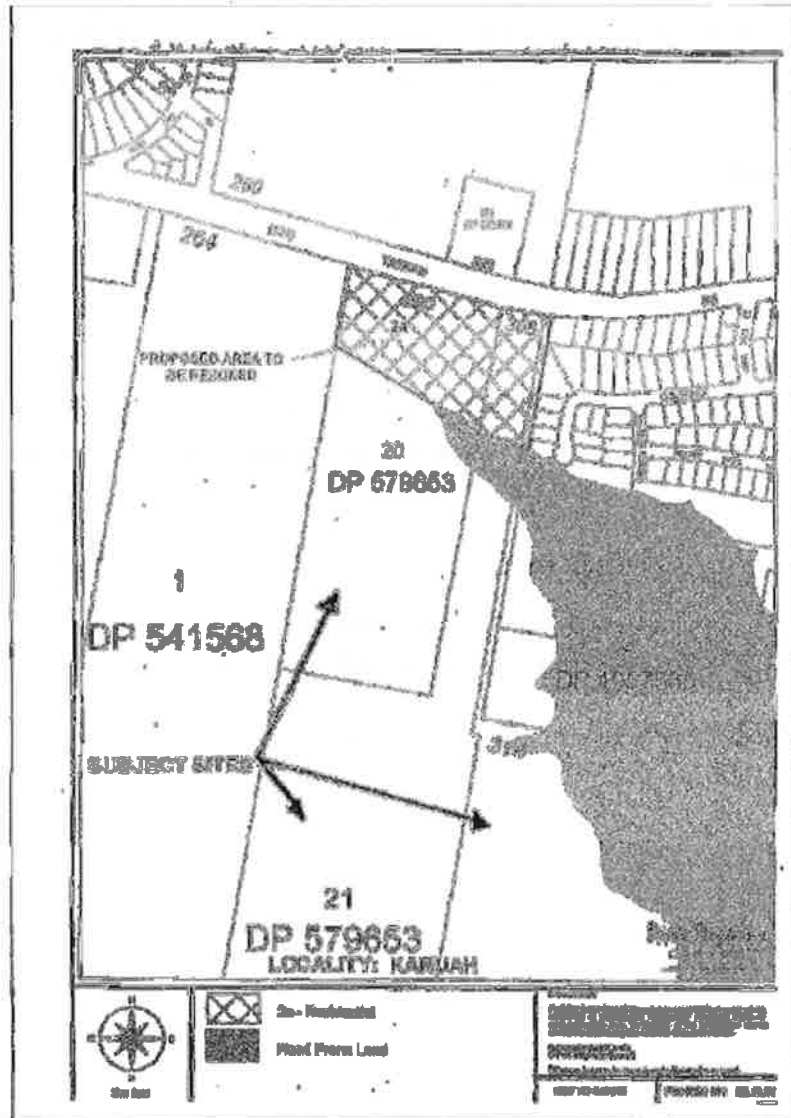
- 1) Planning Report prepared by Hunter Development Brokerage.
- 2) Concept Plan prepared by Hunter Development Brokerage.

TABLED DOCUMENTS

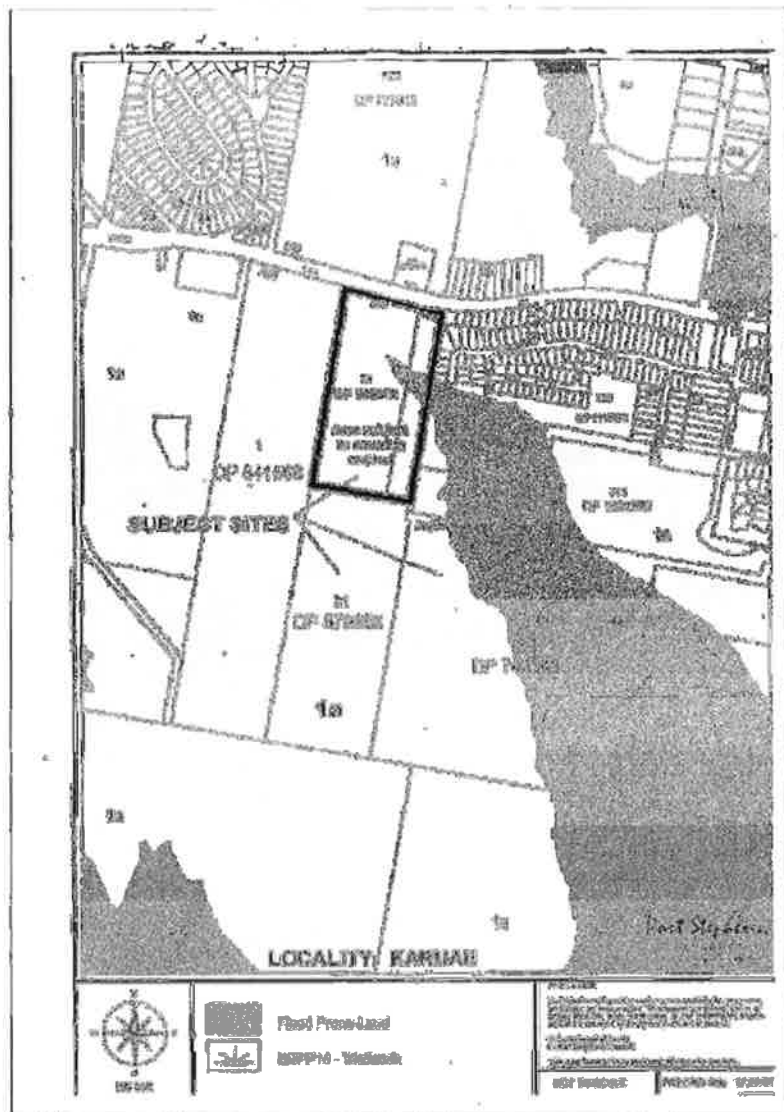
Nil

ATTACHMENT 1

RECOMMENDED ZONING MAP PREPARED BY COUNCIL



ATTACHMENT 2
PROPOSED REZONING MAP AS SUBMITTED INDICATING EXISTING ZONING,
FLOOD PRONE LAND AND SEPP 14 WETLAND



ATTACHMENT 3
DRAFT LEPS IN KARUAH

