

Planning Services

Gateway determination report

LGA	Port Stephens
PPA	Port Stephens Council
NAME	Planning proposal – Karuah RSL – 434-436 Tarean Road, Karuah
NUMBER	PP_2018_PORTS_003_00
LEP TO BE AMENDED	Port Stephens Local Environmental Plan 2013
ADDRESS	Various, known as 434-436 Tarean Road, Karuah
DESCRIPTION	Lot 164 DP 753196 (476m ²) Lot 166 DP 753196 (511m ²) Lot 167 DP 753196 (608m ²) Lot 168 DP 753196 (617m ²) Lot 169 DP 753196 (661m ²) Lot 170 DP 753196 (556m ²) Lot 172 DP 753196 (486m ²) Lot 173 DP 753196 (607m ²) Lot 174 DP 753196 (478m ²) Lot 175 DP 753196 (508m ²) Lot 176 DP 753196 (483m ²) Lot 177 DP 753196 (744m ²) Lot 179 DP 753196 (632m ²) Lot 1781 DP 609636 (706m ²) Lot 1782 DP 609636 (623m ²) Lot 1783 DP 609636 (593m ²)
RECEIVED	30 August 2018 (adequate 9 November 2018)
FILE NO.	IRF18/6772
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend the Port Stephens Local Environmental Plan (LEP) 2013 to allow the subject land to be developed for the purposes of registered clubs and recreation facilities (outdoor).

The site includes the Karuah RSL club, car parking, a bowling green and two dwellings that adjoin the site immediately to the south (next to the car park). The site is zoned R2 Low Density Residential, which prohibits registered clubs and recreation facilities (outdoor).

Site description

The site is used as a registered club, a bowling green and associated car park (Figure 1). Two dwellings located immediately to the south-west and south-east of the club, adjacent to Barclay Street, are used for residential purposes and form part of the site. The dwellings were recently acquired by the club, and the planning proposal notes that the intended future use of these sites is car parking or relocation of the bowling green.

The site is bound by Tarean Road, Bundabah Street and Barclay Street, forming the eastern end of the Karuah village centre, west of the Karuah River.

The proposal notes that the site is mostly cleared of vegetation because of previous development. However, small vegetated areas remain in the north-eastern and south-western corners of the site.



Figure 1: Subject site.

Surrounding area

The subject site is on the eastern fringe of Karuah and adjoins park and residential land uses. The land slopes down from the eastern edge of the site to Longworth Park and the foreshore of Port Stephens (Figure 2, next page).

The village of Karuah is approximately 25km to the north-east of Raymond Terrace and is accessible by major collector roads: Tarean Road and the Pacific Highway. It has limited shops and services, which are provided at Raymond Terrace.

Karuah is either side of the Karuah river, approximately 150m to the east of the site. The western side (larger portion) of Karuah is in the Port Stephens LGA, with the eastern side (smaller portion) being in the MidCoast LGA.



Figure 2: Surrounding area of subject site (outlined in dotted red).

Existing planning controls

The subject land is zoned R2 Low Density Residential.

All residential land in the Karuah urban area is zoned R2 Low Density Residential. Small areas of B2 Local Centre, RE1 Public Recreation and IN4 Working Waterfront are present in the Karuah urban area (Figure 3, next page).

The minimum lot size in most of the urban area, including the site, is 500m². Eight metre and 9m height of building limits apply to all B2 and R2-zoned areas respectively. Height limits do not apply to other lands in Karuah.

The rural area of Karuah comprises RU2 Rural Landscape, E1 National Parks and Nature Reserves and E2 Environmental Conservation-zoned land. The minimum lot size in much of the rural area is 40ha. The water body of Port Stephens (south-east) and the Karuah River (north, east) is zoned W2 Recreational Waterways.

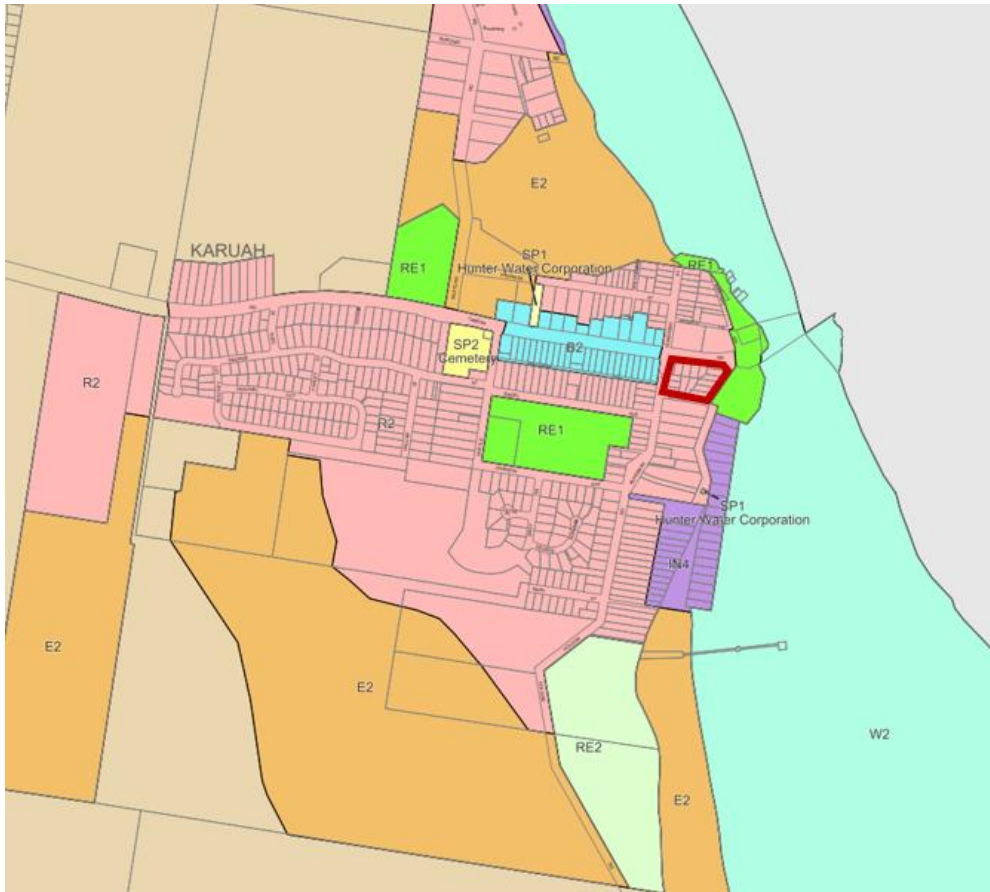


Figure 3: LEP zoning controls for Karuah (site outlined in red).

Summary of recommendation

The planning proposal is considered to have merit. Permitting registered clubs and recreation facilities (outdoor) on the site removes the need for the club to rely on existing-use rights, providing more certainty for the club and the community.

The most suitable mechanism to achieve the intended outcomes of the proposal would be to rezone the subject land to RE2 Private Recreation. This approach would align the zone with the future intended use of the site (i.e. private recreation rather than low-density residential). It would also be consistent with the zone Council has applied to other club sites in the LGA.

Applying the RE2 zone has been discussed with Council staff, who did not raise any substantial concerns.

It is recommended that the planning proposal proceed subject to conditions.

PROPOSAL

Objectives or intended outcomes

The planning proposal notes that the objective of the LEP amendment is to:

- resolve a planning anomaly, which prohibits the existing club land use; and
- allow immediately adjacent lands owned by the club to be developed for the purposes of a club and recreation facility.

The objectives of the proposal are supported.

Explanation of provisions

The planning proposal notes that the objective will be achieved by amending Schedule 1 Additional Permitted Uses of the Port Stephens LEP 2013 by identifying registered clubs and recreation facilities (outdoor) as permissible on the subject site.

It is recommended that the site be rezoned to RE2 Private Recreation. This approach achieves the objectives of the proposal and aligns the zoning of the site with its intended future use, i.e. private recreation rather than low-density residential. It is also consistent with the zone applied by Council to other club sites in the LGA.

Council should consider reviewing the adequacy of the development standards that apply to the site (height and lot size). Other club sites generally do not have a height limit and have various minimum lot sizes.

Mapping

The planning proposal identifies that the amendment will not require mapping. However, this will need to be updated given the proposed changes.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of a strategy, study or report. It has been initiated at the landowner's request.

The planning proposal is considered to have merit. Permitting registered clubs and recreation facilities (outdoor) on the site removes the need for the club to rely on existing-use rights, providing more certainty for the club and the community. It also recognises the club's intent to use the dwelling sites as part of its operations in the future.

The proposal is supported and is considered to be the most appropriate means of achieving the outcomes sought for the site.

STRATEGIC ASSESSMENT

State

No state plans or strategies are relevant to the proposal.

Regional

Hunter Regional Plan 2036

Karuah is identified in the Hunter Regional Plan 2036 as a locally significant centre.

The planning proposal identifies the following plan directions as relevant:

- Direction 17: Create healthy built environments through good design;
- Direction 18: Enhance access to recreational facilities and connect open spaces; and
- Direction 20: Revitalise existing communities.

The proposal states that it seeks to secure and enhance the role of the recreational and community facility on-site and is consistent with the goal and directions of the plan.

The planning proposal is consistent with the regional plan.

Local

Port Stephens Planning Strategy 2011

Karuah is recognised as a village centre in the Port Stephens Planning Strategy. The strategy identifies the role of the village as being a local service centre for its growing population. The planning proposal states that as it would facilitate the continued operation and potential redevelopment of the club, it is consistent with the outcomes envisaged for Karuah in the strategy.

This assessment is supported. The planning proposal is consistent with the strategy.

Karuah Growth Strategy (2011)

The Karuah Growth Strategy notes that the Karuah RSL club promotes economic prosperity in the village through investment on Tarean Road, which is the commercial strip and main street for the village. The planning proposal seeks to recognise the current use of the subject site as a recreation facility that supports the commercial core of Tarean Road.

This assessment is supported. The proposal is consistent with the strategy.

Section 9.1 Ministerial Directions

2.2 Coastal Management

This Direction applies because the site is in a coastal use area (Figure 4). The site is privately owned, within a developed urban area and does not directly adjoin the foreshore. Access to the foreshore is provided to the north and south of the site.

The site is located on a ridge, which elevates it from the foreshore, and so it is unlikely to be subject to coastal processes. The vegetation to the east of the site limits public views to the foreshore from the site.

Given the above, the planning proposal is considered consistent with the matters listed in Direction subclause 4(a)-(d) and is therefore consistent with the Direction. No further assessment in relation to this Direction is required.

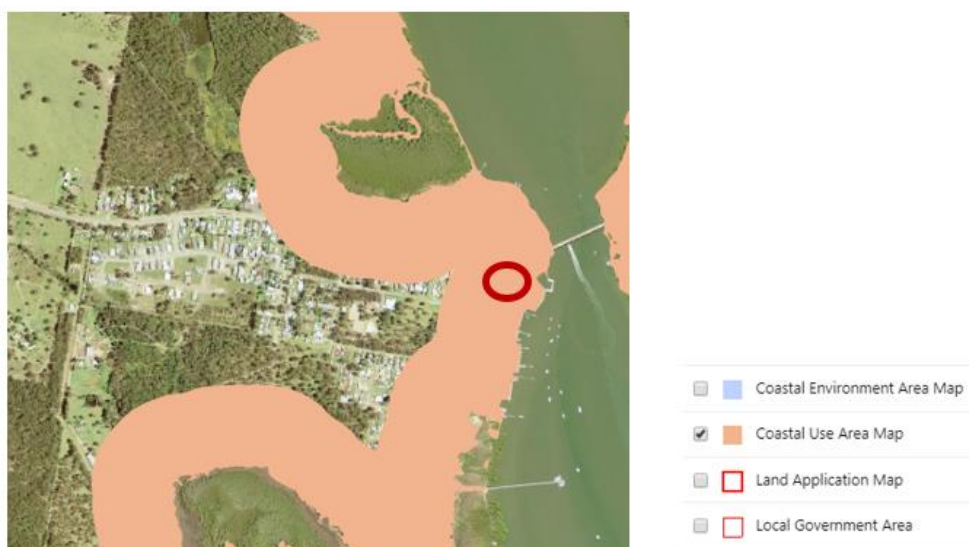


Figure 4: Coastal SEPP map (site circled in red).

3.1 Residential Zones

This Direction applies as the land is zoned R2 Low Density Residential. Rezoning the land to RE2 Private Recreation as proposed is inconsistent with this Direction because it would reduce the choice of dwelling building types and the permissible residential density of the land.

This inconsistency is of minor significance because the site is used for the purposes of a club and recreation facilities (outdoor), and this is the long-term intended use for the site. While the newly acquired allotments contain dwellings, these will likely be removed over time should the club redevelop, resulting in the loss of the two dwellings. It is recommended that the Secretary's delegate agree that this inconsistency is of minor significance.

5.10 Implementation of Regional Plans

The Hunter Regional Plan 2036 applies to the planning proposal. The objective of the LEP amendment is to further develop a recreation facility, which is considered to support directions of the regional plan as discussed earlier in this report. The proposal is consistent with this Direction.

State environmental planning policies (SEPPs)

SEPP 44 – Koala Habitat Protection

The planning proposal identifies this SEPP as being relevant. It notes that as there are only small pockets of vegetation on-site, it is unlikely to provide koala habitat.

Council's Comprehensive Koala Plan of Management (CKPOM) implements SEPP 44 in the Port Stephens LGA. The site is mapped as cleared land in the CKPOM and does not contribute to koala habitat or habitat links (Figure 5). The proposal is consistent with the SEPP.

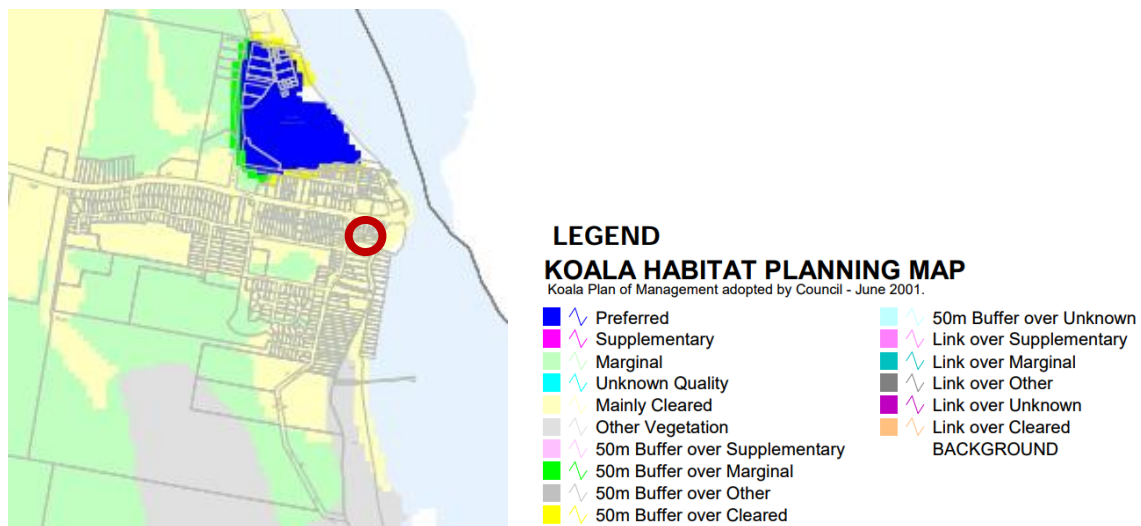


Figure 5: CKPOM koala habitat planning map excerpt.

SEPP (Coastal Management) 2018

The proposal identifies SEPP 71 Coastal Protection as being relevant. This SEPP has been repealed and replaced by SEPP (Coastal Management) 2018. The Coastal Management SEPP sets out matters which must be considered by a consent authority for land in a coastal-use area. The planning proposal does not preclude these matters from being considered should a development application be lodged with Council to redevelop the club site.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal states that it facilitates the continued operation and possible future expansion of the club and recreation facilities (outdoor). Community and social benefits may result from these outcomes.

Environmental

As the site is already developed, the planning proposal is unlikely to have an adverse environmental impact.

Economic

Should the proposal be finalised and the club seek to expand its operations, employment opportunities may result.

Infrastructure

As identified in the proposal, the site is within an urban village and has access to reticulated water and sewerage, and energy and communication utilities. The site has direct vehicle access through frontages on Bundabah and Barclay Streets, and benefits from access to the broader regional road network through arterial and major collector roads such as Tarean Road and the Pacific Highway.

CONSULTATION

Community

Council considers the planning proposal to be classified as 'low-impact' and therefore proposes that it be placed on public exhibition for at least 14 days. This is supported.

Agencies

The proposal notes that consultation with agencies will occur in accordance with the Gateway determination. No agency consultation is recommended.

TIME FRAME

A six-month time frame is nominated in the planning proposal.

As there is no need for agency consultation and a 14-day community consultation period is proposed, the six-month time frame is supported.

LOCAL PLAN-MAKING AUTHORITY

Council has requested authorisation to be the local plan-making authority. Given the minor nature of the planning proposal, it is considered appropriate to give Council delegation to finalise the proposal.

CONCLUSION

The planning proposal is considered to have merit. Permitting registered clubs and recreation facilities (outdoor) on the site removes the need for the club to rely on existing-use rights, providing more certainty for the club and the community.

The most suitable mechanism to achieve the intended outcomes of the proposal would be to rezone the subject land to RE2 Private Recreation. This approach would align the zone with the future intended use of the site, i.e. private recreation rather than low-density residential. It would also be consistent with the zone Council has applied to other club sites within the LGA.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 3.1 Residential Zones is of minor significance.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. Before exhibition, amend the planning proposal to rezone the subject land from R2 Low Density Residential to RE2 Private Recreation and review the development standards that apply.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 days; and
 - (b) the planning proposal 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

The time frame for completing the LEP is to be six months following the date of the Gateway determination.



5/12/2018
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10/12/2018
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