

Our Ref: 58-2019-3-1

07 August 2019

STRATEGIC PLANNING ASSESSMENT REPORT

Assessment of written request made to the Council by a person for the preparation of a planning proposal under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Application No.	58-2019-3-1
Applicant Name	Perception Planning
Applicant Address	PO Box 107 Clarence Town NSW 2321
Site Location Details	Lot 52 DP 735066, 339 Tarean Road, Karuah
Proposal Summary	Rezone the land from RU2 Rural Landscape to Part R2 Low Density Residential and E2 Environmental Conservation.
Eligible for Planning Proposal Preparation?	Yes.
Adequate Information?	Yes
Planning proposal to be prepared?	Yes

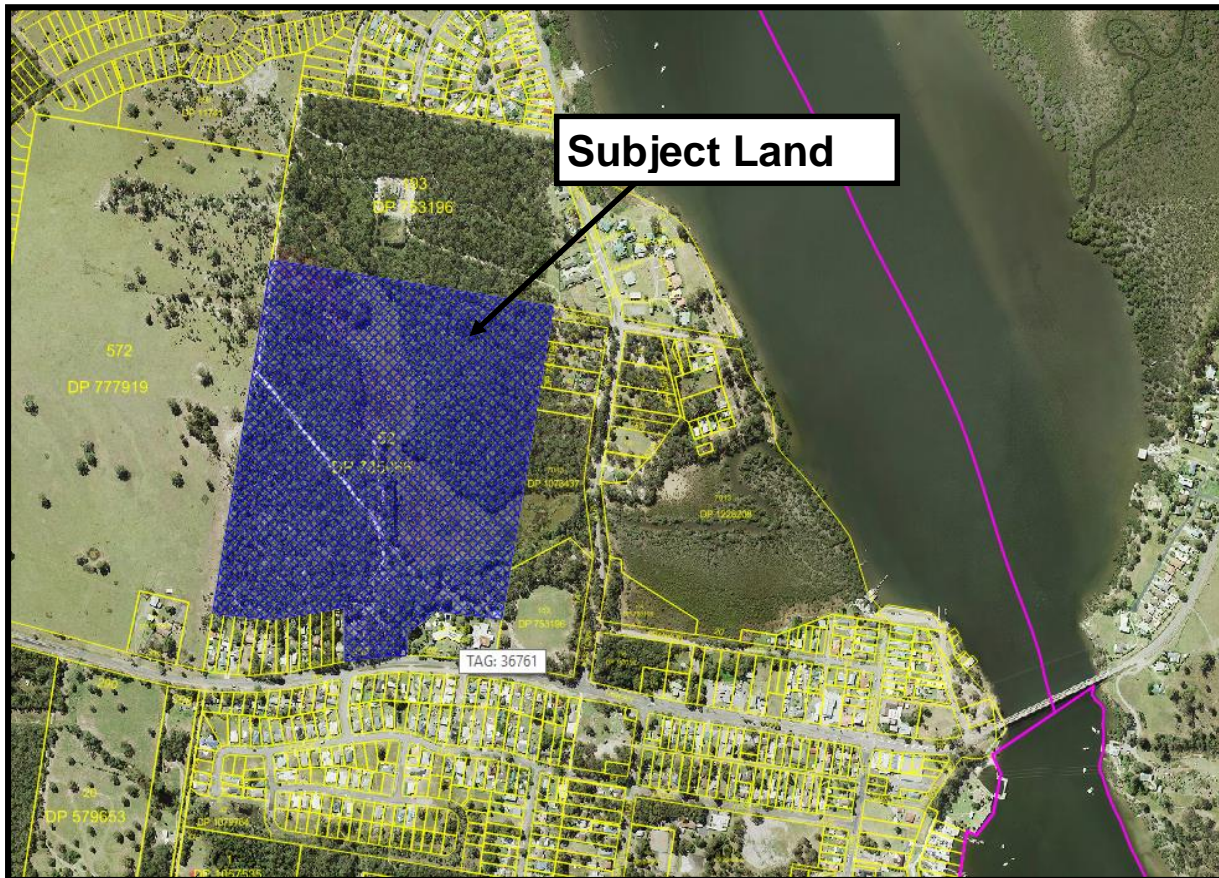
The application has been reviewed to determine whether it sufficiently addresses the requirements for preparation of a planning proposal under the EP&A Act and guidelines issued under s3.33(3) of the EP&A Act.

RECOMMENDATION

Based on the information lodged for the application, the LEP amendment proposal is considered to have sufficient merit to warrant preparation of a planning proposal by Council.

It is recommended that a planning proposal be prepared for the LEP amendment proposal and lodged with the NSW Department of Planning and Environment for Gateway Determination.

SITE IDENTIFICATION PLAN



PRE-LODGEEMENT MATTERS

Matter	Comment
1. Undertake residential land needs assessment	Lodged with PP. Identified less than 15 year land supply in Karuah.
2. Ecological impact will likely be a determining factor	Preliminary ecological assessment has been undertaken and concludes that 'there is no glaring reason not to proceed from an ecological perspective'. An E2 zone is proposed for more sensitive / significant parts of site. However, further BDAR investigations will be required post-Gateway that will need to investigate Koala utilisation of the site and possible EEC Lower Hunter Spotted Ironbark Forest.

INTERNAL REFERRALS

Internal Body	Referral Response
Development Engineers	TRAFFIC A connection to existing road network can be achieved and designed at a later stage. An indicative lot layout and traffic assessment will be required.

Internal Body	Referral Response
	<p>DRAINAGE / FLOODING</p> <p>Concerns:</p> <ol style="list-style-type: none"> 1. Part of the proposed planning proposal area is a flood prone area and is affected by Karuah River flooding as well as local flooding. 2. A SEPP 14 wetland is located within this property and any development in this land would increase impact (additional volume of water, increasing flow rates, frequency of stormwater discharges, increasing velocities, erosion issues on creeks and wetland etc) on wetland hydrology. <p>Further investigation/reporting needed:</p> <ol style="list-style-type: none"> 1. A flood and drainage study should be carried out for the catchment to determine the impact the development has on the surrounding environment and consider: <ul style="list-style-type: none"> o tail water condition from Karuah River and the hydraulic control at Muston road. o Potential drainage options to minimise the water quantity and quality impact. <p>Demonstrate how the development will eliminate the impact on the wetland hydrology and day-to-day hydrological conditions of the wetland.</p>
Natural Resources	<p>The request to address the CKPoM and assessment of the potential of vegetation on site to be commensurate with EEC listing of Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions has not been satisfied.</p> <p><u>Port Stephens Comprehensive Koala Plan of Management (CKPoM)</u></p> <p>Supplementary Koala habitat has been mapped within the south of the site. In accordance with Criteria b) of Appendix 2 of the CKPoM, only low impact development is suitable within an area of supplementary koala habitat.</p> <p>The current proposal does not demonstrate low impact development within supplementary koala habitat. Further information on koala utilisation of the site is required. If koalas are not using the site, this could help justify low impact development. If further assessment determines that koalas are using the site, a revised zoning footprint or a land use zoning that promotes low impact development may be appropriate.</p> <p><u>Lower Hunter Spotted Gum Ironbark Forest</u></p> <p>The floristic composition of vegetation on site aligns with the Endangered Ecological Community listing of Lower Hunter Spotted Gum Ironbark Forest. A detailed vegetation condition assessment is required to determine appropriate zone boundaries that minimise impact on this EEC. Offsetting calculations should be revised to include vegetation as the Endangered Lower Hunter Spotted Gum Ironbark Forest.</p>

INFORMATION ASSESSMENT

TABLE 1 – STRATEGIC MERIT ASSESSMENT

Assessment of technical information

Information	Applicable	Lodged	Adequacy
Considerations under s3.33(2) of the EP&A Act			
Statement of objectives or intended outcomes of the proposed instrument	Yes	Yes	Adequate.
Explanation of the provisions that are to be included in the proposed instrument	Yes	Yes	Adequate.
Justification for the objectives, outcomes and provisions of the proposed instrument, and whether it will give effect to, or is a product of, a local planning priority or action in an endorsed local strategic planning statement.	Yes	Yes	Adequate.
Maps containing sufficient detail to indicate the substantive effect of the proposed instrument	Yes	Yes	Adequate.
Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument	Yes	Yes	Adequate.
Projected timeline of the plan making process	Yes	Yes	Adequate.
Strategic Planning Context and Strategic Merit			
Assessment of consistency with relevant regional plan(s) (including any exhibited draft plan(s)).	Yes	Yes	Adequate.
Assessment of Consistency with the Hunter Regional Plan			
The PP has demonstrated consistency with the following directions and actions:			
<ul style="list-style-type: none"> • Action 21.4 Create a well-planned, functional and compact settlement patterns that responds to settlement planning principles and does not encroach on sensitive land-uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values. • Action 21.6 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations. • Action 22.1 Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel. • Action 22.2 Encourage housing diversity, including studios and one and two-bedroom dwellings, to match forecast changes in household sizes. 			
Assessment of consistency with relevant district plan(s)	Yes	Yes	Adequate.

Information	Applicable	Lodged	Adequacy
(including any exhibited draft plan(s)).			
Assessment of Consistency with the Greater Newcastle Metropolitan Plan			
Provides housing within Port Stephens LGA to meet dwelling targets in Metro Plan.			
Assessment of consistency with relevant corridor plan(s) (including any exhibited draft plan(s)).	Yes	Yes	Adequate.
Assessment of consistency with relevant precinct plan(s) (including structure plans and master plans and any exhibited draft plan(s))	Yes	Yes	Adequate.
Assessment of consistency with relevant Council strategy (or strategies) endorsed by the NSW Department of Planning, Industry and Environment, including an endorsed local planning strategic statement.	Yes	Yes	Adequate.
Assessment of consistency with local strategies and policies			
Port Stephens Planning Strategy (PSPS) 2011 (not endorsed by DPIE)			
The PP will provide land supply to meet housing needs within Karuah and the LGA, where an undersupply has been identified. Preliminary Ecological Assessment states that the site does not form part of a regional biodiversity corridor.			
Karuah Growth Strategy 2011 (not endorsed by DPIE)			
The PP is not consistent with the Karuah Growth Strategy, adopted by Council, however supporting material provides strategic merit to proceeding with the PP.			
Site-Specific Merit	Applicable	Lodged	Adequacy
Does the proposal have site-specific merit, having regard to the natural environment (including known significant environmental values, resources or hazards)?	Yes	Yes	Adequate. That part of the site with the highest environmental significance is proposed to be zoned E2. However, further investigation through the BDAR process is required to determine potential location of EEC on site and Koala utilisation of site.
Does the proposal have site-specific merit, having regard to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal?	Yes	Yes	Adequate. A site specific DCP amendment should be prepared post-Gateway, having regard for connections to neighbouring future development.
Does the proposal have site-specific merit, having regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed	Yes	No	The assessment of the site-specific merit regarding the availability of services and infrastructure to meet the demands from the proposal as contained in the LEP amendment is insufficient. A servicing strategy will need to be prepared, in

Information	Applicable	Lodged	Adequacy
financial arrangements for infrastructure provision?			consultation with HWC, post-Gateway.
Site Description/Context			
Aerial photographs	Yes	Yes	Adequate.
Site photos	Yes	Yes	Adequate.

TABLE 2 – SEPP ASSESSMENT

Assessment against State Environmental Planning Policies (SEPP's)

SEPP	Overview	Applicable	Consistency
SEPP No. 44 - Koala Habitat Protection	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.	Yes	Adequate. Further investigation is required post-Gateway – through the BDAR assessment.
SEPP No. 55 - Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.	Yes	Adequate. The site contains vegetation and no evidence of contaminating activities. A Preliminary Contamination Investigation should be conditioned as part of the Gateway Determination because the land is proposing to change from a rural zone to a residential zone.
SEPP (Coastal Management) 2018	Promotes an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the <i>Coastal Management Act 2016</i> .	Yes	The LEP amendment proposal relates to land identified within the Coastal Wetlands and Littoral Rainforests Area. The information lodged for the proposal

SEPP	Overview	Applicable	Consistency
			demonstrates consistency with the SEPP.
SEPP (Rural Lands) 2008	Contains rural planning principles and rural subdivision principles, which must be taken into consideration before developing rural land. Provides for rural land to be subdivided below the minimum lot size for subdivision for the purpose of primary production.	Yes	<p>Adequate.</p> <p>The site is in proximity to the centre of Karuah. Existing and planned residential land is located to the immediate east, south and west.</p> <p>The rezoning will not undermine the agricultural activities on nearby land (e.g. poultry farm) because we do not understand agricultural activities are currently taking place on these lots (other than grazing).</p>

TABLE 3 – MINISTERIAL DIRECTION ASSESSMENT

Assessment against Ministerial Directions

Ministerial Direction	Overview	Applicable	Consistency
1.	Employment and Resources		
1.2	Rural Zones	Yes	<p>Adequate.</p> <p>The PP is inconsistent with this direction, but it is of minor significance as the site is not identified to have agricultural value.</p>
1.5	Rural Lands	Yes	<p>Adequate.</p> <p>The PP is inconsistent with this direction, but it is of minor significance as the PP seeks to rezone rural land to</p>

Ministerial Direction	Overview	Applicable	Consistency
	subdivision principles of SEPP (Rural Lands) 2008, or justification under a relevant strategy, the direction seeks to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.		achieve the aim of providing housing in proximity to an existing town centre.
2. Environment and Heritage			
2.1	Environment Protection Zones	Applies to all planning proposals. Provides for the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate	Yes.
			Adequate. The PP proposes an environmental zone over those lands identified to be of higher environmental significance. However, further investigation is required to determine potential for EEC on site. This will need to be determined through BDAR
2.2	Coastal Management	Applies to land within a coastal zone, as defined in the <i>Coastal Management Act 2016</i> . The direction seeks to protect and manage coastal areas of NSW. Proposals must include provisions that give effect to and are consistent with the objects of the <i>Coastal Management Act 2016</i> , the Coastal Management Manual and Toolkit, Coastal Design Guidelines and any relevant Coastal Management Program certified by the Minister.	Yes
			Adequate The PP proposes to place the land identified as wetlands and a 40m buffer within an environmental protection zone.
2.3	Heritage Conservation	Requires relevant planning proposals to contain provisions to facilitate the conservation of items, areas, objects	Yes
			Adequate. Schedule 5 – Environmental Heritage of the PSLEP

Ministerial Direction		Overview	Applicable	Consistency
		and places of environmental heritage significance and indigenous heritage significance.		does not identify the site as containing a heritage item, being located within a heritage conservation area or being part of an Archaeological site. A Basic Search of the Aboriginal Heritage Information Management System (AHMIS) identified no heritage items or places within 50m of the site. Nevertheless, a Preliminary Aboriginal Heritage Assessment should be completed post-gateway.
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	Applies to planning proposals affecting existing or proposed residential zoned land or other zoned land upon, which significant residential development is or will be permitted. Requires relevant planning proposals to include provisions that encourage housing development, ensures satisfactory arrangements for servicing infrastructure and will not reduce the permissible residential density of land; unless it is suitably justified under a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated	Yes.	Adequate. The PP seeks to provide residential housing within proximity to an established residential area.
3.4	Integrating Land Use and Transport	Requires planning proposals, which seek to create, alter or remove a zone or provision relating to urban land (including land zoned for residential, business, industrial,	Yes	Adequate. The PP will encourage housing within Karuah which is within

Ministerial Direction	Overview	Applicable	Consistency
	village or tourist purposes), to be consistent with the aims, objectives and principles of 'Improving Transport Choice – Guidelines for planning and development' and 'The Right Place for Business and Services – Planning Policy' or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)..		commuting distance to employment lands. The housing that will result from the proposal reinforces the existing town centre of Karuah and places downward pressure on valuable agricultural or environmental lands on the periphery to be rezoned.
4. Hazard and Risk			
4.1	Acid Sulfate Soils	Yes.	Adequate. The PSLEP identifies the site as containing Acid Sulfate Soils – Class 2 and 5. The proposal will rezone all lands identified as ASS Class 2 to E2 – Environmental Conservation. Any subsequent works that need to take place on the land will be considered under Clause 7.1 – Acid Sulfate Soils of the PSLEP.

Ministerial Direction		Overview	Applicable	Consistency
4.3	Flood Prone Land	Applies requirements for planning proposals that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes.	Adequate. Part of the site is identified as flood prone land. This part of the site is proposed to be zoned E2.
4.4	Planning for Bushfire Protection	Applies requirements for planning proposals affecting land mapped as being bushfire prone land (or land in proximity to such land); except where the Commissioner of the NSW Rural Fire Service has issued written advice to Council that, notwithstanding the noncompliance with the requirements; the NSW Rural Fire Service does not object to progression of the planning proposal.	Yes	Adequate. A Strategic Bush Fire Assessment in accordance with the NSW RFS, 2018, 'Draft Planning for Bushfire Protection (Part 4 – Strategic Planning)' will be completed post-Gateway determination.
5. Regional Planning				
5.10	Implementation of Regional Plans	Requires that planning proposals be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	Yes	Adequate. The PP has demonstrated consistency with the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan.

Conclusion

The PP has demonstrated consistency with the relevant Ministerial Directions. Further studies are required on heritage conservation (Aboriginal Heritage), bushfire, EEC impact and CKPoM.

TABLE 4 –TECHNICAL CONTENT ASSESSMENT

Assessment of technical information

Information		Applicable	Lodged	Adequacy
Traffic and Transport Considerations				
Traffic assessment	impact	Yes	No	Required post-Gateway.
Environmental Considerations				
Bushfire assessment	hazard	Yes	No	Required post-Gateway.
Acid sulphate assessment	soil	Yes	Yes	Acid sulphate Class 2 and 5 to be zoned E2.
Flora assessment		Yes	Yes	Preliminary Ecological Assessment is sufficient for Gateway, however BDAR will be required post-Gateway to assess EEC.
Fauna assessment		Yes	Yes	Preliminary Ecological Assessment including CKPoM assessment is sufficient, however BDAR will be required post-Gateway that addresses Koala utilisation of site.
Water assessment	quality	N/A	No	See below.
Stormwater management	analysis	Yes	No	Required post-Gateway as per engineer's comments.
Flood assessment	impact	Yes	Yes	Flood prone land to be rezoned E2. See engineer's comments.
Contamination assessment		Yes	No	Required post-Gateway.
Natural resource impact assessment		Yes	Yes	Preliminary Ecological Assessment is sufficient, however BDAR will be required post-Gateway.
Urban Design Considerations				
Site plan		Yes	No	The applicant has indicated that this will be provided post-Gateway and will have regard for connections to adjoining sites, bushfire protection measures, traffic study etc. This is not required to determine strategic

Information		Applicable	Lodged	Adequacy	
				merit for a Gateway determination.	
Social and cultural considerations					
Heritage assessment	impact	Yes	No	Adequate.	
Aboriginal heritage assessment	cultural due diligence	Yes	No	Required Gateway.	post-
Social assessment	impact	Yes	Yes	Adequate.	
Infrastructure considerations					
Infrastructure analysis	capacity	Yes.	No.	Required Gateway.	post-
Utility assessment	servicing	Yes	No	Required Gateway.	post-

Note:

This report has been prepared on the basis of information submitted at the time of lodgement of the LEP amendment request and in consideration of the planning requirements applying at the time of assessment.

Report prepared by:

Report reviewed by:

Sarah Connell

Strategic Planner

William Oxley

Principal Planner