

Wattle and Holdom Roads, Karuah (Deferred Area)

Proposal Title :	Wattle and Holdom Roads, Karuah (Deferred Area)		
Proposal Summary :	It is proposed to rezone land at Wattle and Holdom Roads, Karuah from 1(a) Rural Agriculture to part 2(a) Residential and part 7(a) Environmental Protection. The planning proposal will allow for residential development and the conservation of land with environmental value. The proposal applies to land deferred by Amendment 24 to Port Stephens LEP 2000.		
PP Number :	PP_2012_PORTS_004_00	Dop File No :	10/09511

Proposal Details

Date Planning Proposal Received :	14-Jun-2012	LGA covered :	Port Stephens
Region :	Hunter	RPA :	Port Stephens Council
State Electorate :	PORT STEPHENS	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	24 William Street		
Suburb :	Karuah	City :	Postcode : 2324
Land Parcel :	Lot 303 DP 1004596		
Street :	115 Tarean Road		
Suburb :	Karuah	City :	Postcode : 2324
Land Parcel :	Part of Lot 2 DP 748343		
Street :	22 William Street		
Suburb :	Karuah	City :	Postcode : 2324
Land Parcel :	Part of Lot 2 DP 1057535		
Street :	31 Johnson Avenue		
Suburb :	Karuah	City :	Postcode : 2324
Land Parcel :	Lot 271 DP 876238		
Street :	15 Gray Street		
Suburb :	Karuah	City :	Postcode : 2324
Land Parcel :	Part of Lot 302 DP 1004596		

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	100	No. of Dwellings (where relevant) :	100
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The planning proposal covers the area deferred from Amendment 24 to Port Stephens LEP 2000. When Amendment 24 was made on 10 January 2011 the A/DDG PMUR advised Council in regards to the deferred area (subject to this planning proposal) that:**

"This land has been deferred as environmental offsets for the land have not been resolved. Council is advised that, before a planning proposal to deal with the deferred land is resubmitted to the Minister under s.59 of the EP&A Act, Council is required to further consult with Department of Environment, Climate Change & Water on the deferred portion of the draft Plan to determine the outstanding environmental offset mechanism."

Council was encouraged to finalise the planning proposal with 12 months.

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On 18 May 2012 Council requested a 12 month extension to the Gateway timeframe as the environmental offsets for the deferred portions of the site were yet to be finalised. Council informed the Department that the Office of Environment and Heritage are currently processing a Conservation Agreement for the site and have advised that this could take up to nine (9) months to finalise. Due to length of time from the gazettal of Amendment 24 in January 2011 to the anticipated finalisation of the deferred area in mid 2013, Council was advised to submit a planning proposal to allow Gateway Determination of deferred land.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives provided outlines that the planning proposal seeks to rezone the land to allow for residential development and conservation of environmental land. This statement of objectives is supported.**

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

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

Comment : **The explanation of provisions provided states that the planning proposal will be implemented through an amendment to the zoning maps of Port Stephens LEP 2000. Although this is supported, it is recommended that the planning proposal also proceed as a possible amendment to Port Stephens LEP 2012.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

3.2 Caravan Parks and Manufactured Home Estates

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP (Rural Lands) 2008

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **It is considered that additional maps should be prepared showing amendments to Port Stephens LEP 2012 Land Use Zone, Urban Release Area and Minimum Lot Size Maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Community consultation was undertaken under Amendment No. 24, which was exhibited for twenty eight (28) days from 5 July 2007 to 2 August 2007 and re-exhibited from 9 August 2007 to 6 September 2007 (due to incorrect deposited plan numbers during the original exhibition), in accordance with the Department's s65 Certificate under previous plan-making requirements.**

The deferred area contains no changes from the plan previously exhibited. No additional community consultation is considered necessary.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation to Principal LEP : **The SI Port Stephens LEP 2012 was sent to the Department as a planning proposal on 8 May 2012. The draft LEP is supported and it is expected that the planning proposal will receive a Gateway Determination in the coming weeks. The project plan associated with LEPAF indicates that the plan will be submitted to the Department for finalisation by 30 March 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to finalise the deferred area of Amendment 24, and to enable the land to be rezoned to residential and conservation purposes.**

A Gateway Determination for the deferred area will also remove any uncertainty that the plan can be legally made.

Consistency with strategic planning framework :

REGIONAL STRATEGIES

The planning proposal is consistent with the Lower Hunter Regional Strategy (LHRS) as the site is mapped as a 'proposed urban area'. The site is outside of the Watagan to Stockton Green Corridor. The proposal is considered consistent with the objective and aims of the Strategy.

The Mid North Coast Regional Strategy 2006 (MNCRS) also identifies a proposed future release area on the Great Lakes Local Government Area side of the Karuah River. The MNCRS identified a future release area contingent upon joint strategic planning work being undertaken by Port Stephens and Great Lakes councils addressing the wider extent of the development footprint and infrastructure provision. This work is complete and the document has been forwarded to the Regional Office for endorsement. The subject site is identified as Stage 1 development within the draft Karuah Strategy.

LOCAL PLANNING STRATEGIES

The LHRS states that the boundaries of 'proposed urban areas' are to be defined through local planning. Council has adopted the Port Stephens Planning Strategy (PSPS) and Karuah Local Area Plan (KLAP) to define the boundaries of the proposed urban area. The subject land has been identified as land suitable for future investigation in the PSPS and the KLAP. The KLAP identifies the subject site as a potential residential development area.

It should be noted that these are not endorsed local strategies, although Council has requested the Department endorse both strategies. The PSPS and KLAP are both considered consistent with the Lower Hunter Regional Strategy, however the Department has advised Council that endorsement of local strategies in the Lower Hunter will not occur until after the 5 year review of LHRS is complete. The PSPS and KLAP will inform and assist in the review of the LHRS. A revised draft LHRS is anticipated to be released for public exhibition in the second half of 2012.

SECTION 117 DIRECTIONS

The following Section 117 Directions are considered applicable to the planning proposal.

1.2 Rural Land

The planning proposal is inconsistent with this direction as it rezones land from rural zone to a residential zone. The inconsistency is justified as it is in accordance with the LHRS which gives consideration to this direction.

3.1 Caravan Parks and Manufactured Home Estates

The planning proposal is inconsistent with this direction as it reduces the permissibility of caravan parks by rezoning land from 1a to 2a. Caravan parks are permitted in 1a, but prohibited in 2a. The inconsistency is justified as the planning proposal is in accordance with the LHRS strategy which gives consideration to the objectives of this direction.

The planning proposal is considered consistent with all other Section 117 Directions, including:

1.5 Rural Lands

The planning proposal is consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008 and justified by the LHRS.

2.1 Environment Protection Zones

The planning proposal will include provisions that facilitate the protection and conservation of environmentally sensitive areas. Council is currently finalising a Conservation Agreement with OEH.

4.1 Acid Sulfate Soils

The site may contain Acid Sulfate Soils. The Port Stephens LEP 2000 and LEP 2012 includes provisions which can adequately manage acid sulfate soils.

4.4 Planning for Bushfire Protection

Land within the subject site is mapped as bushfire prone land. Council previously consulted with the Commissioner of the NSW Rural Fire Service. The agency had no objection to the draft LEP, and re-consultation is not considered necessary.

4.3 Flood Prone Land

The planning proposal is consistent with this direction as proposed residential areas are outside land identified as containing flood prone land. It is proposed to rezone flood prone areas to environmental.

5.1 Implementing of Regional Strategies

The planning proposal is considered consistent with this direction as it is in accordance with the Lower Hunter Regional Strategy.

SEPPS

The following SEPPs are considered applicable to the planning proposal.

SEPP 44 – Koala Habitat

The subject site does not contain land identified as Preferred Koala Habitat and Supplementary Koala habitat under the Port Stephens Comprehensive Koala Plan of Management (CKPoM) 2002. Council advises that there are individual Koala Flood Trees which are recommended to be protected through the development application process and the Port Stephens Koala Plan of Management. This approach is supported.

SEPP (Rural Lands)

The Planning Proposal is inconsistent with the SEPP in that it does not minimise rural land fragmentation by proposing residential subdivision. This inconsistency is considered minor in this instance as the DPI - Agriculture indicated the proposal does not impact on surrounding rural communities and furthermore, it is consistent with the LHRS.

Environmental social
economic impacts :

ENVIRONMENTAL

Council advises that the proposal may impact on critical habitat or threatened species, populations or ecological communities, or their habitats. It is recommended that Council continue to consult with OEH in regard to environmental offsets for future development before submitting the plan for finalisation.

SOCIAL AND ECONOMIC

It is considered that the proposal will have positive economic and social effects for Karuah associated with increased residential development.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	Nil
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Timeframe to make LEP :	12 Month	Delegation :	DG
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Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : **The subject site is identified in the draft Lower Hunter Special Contributions Plan as site 65.**

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

- 1. This planning proposal is to proceed as both an amendment to the current Port Stephens LEP 2000 and to the draft Port Stephens LEP 2012.**
- 2. On-going consultation is required with the Office of Environment and Heritage in regard to the processing of the Conservation Agreement for the site.**
- 3. Community consultation is not required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").**
- 4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**
- 5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**

Supporting Reasons : **A 12 month timeframe is recommended as Office of Environment and Heritage are currently processing a Conservation Agreement for the site and have advised that this could take up to nine (9) months to finalise.**

Wattle and Holdom Roads, Karuah (Deferred Area)

Signature:

Monica Gibson

Printed Name:

Monica Gibson

Date:

15/6/2012