

Minutes 25 March 2011



Minutes of Ordinary meeting (adjournment from 22 March 2011) of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 25 March 2011, commencing at 6.34pm.

PRESENT: Councillors R. Westbury (Mayor); S. Dover (Deputy Mayor); J. Nell; B. MacKenzie; S. O'Brien; S. Tucker, Ken Jordan, General Manager; Corporate Services Group Manager, Facilities and Services Group Manager; Acting Sustainable Planning Group Manager; Commercial Services Group Manager and Executive Officer.

At 6.30pm the Mayor adjourned the opening of the meeting, in accordance with the Code of Meeting Practice, due to the lack of a quorum. Councillors present at this time were Bob Westbury, Bruce MacKenzie, John Nell, Ken Jordan, Sally Dover, and Shirley O'Brien.

At 6.34pm Cr Steve Tucker entered the Council Chamber at which time the Mayor opened the meeting with a quorum present.

085	Councillor John Nell Councillor Sally Dover	It was resolved that the apologies from Crs Glenys Francis, Geoff Dingle, Peter Kafer and Frank Ward be received and noted.
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		Councillor Ken Jordan declared a less than significant non-pecuniary conflict of interest in Rescission Motion Item 1 due to a friendship. Councillor Jordan declared he had sought legal advice on the matter, that the communities best interest may conflict with his public duty and that he does not know Mr William's involvement in
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MINUTES FOR ORDINARY MEETING – 25 MARCH 2011

		<p>this matter.</p> <p>Councillor Steve Tucker declared a less than significant non-pecuniary conflict of interest in Rescission Motion Item 1 due to a friendship with one of the proponents – Mr D Williams and support of the proponents for the Medowie Sports Club. Cr Tucker declared that he believed that it was in the public interest for him to be involved.</p>
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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: T14-2010, PSC2005-3587

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: **TONY WICKHAM – EXECUTIVE OFFICER**
GROUP: **GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary Council agenda namely **Karuah Boat Ramp Pontoon Installation**.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Karuah Boat Ramp Pontoon Installation**.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.

ORDINARY COUNCIL MEETING – 25 MARCH 2011

086	Councillor John Nell Councillor Sally Dover	It was resolved that the recommendation be adopted.
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CONFIDENTIAL ITEMS

The Mayor brought forward Confidential Item 1 and dealt with the Item prior to the Council Committee recommendations.

ORDINARY COUNCIL MEETING – 25 MARCH 2011

RESOLUTION:

087	Councillor John Nell Councillor Sally Dover	It was resolved that Council move into Confidential session.
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CONFIDENTIAL

ITEM NO. 1

FILE NO: T14-2010, PSC2005-3587

KARUAH BOAT RAMP PONTOON INSTALLATION

REPORT OF: PETER AVIS – PROJECT SERVICES MANAGER

GROUP: FACILITIES AND SERVICES MANAGER

ORDINARY COUNCIL MEETING – 25 MARCH 2011

088	Councillor John Nell Councillor Ken Jordan	It was resolved that Council accepts the tender offered by Pacific Pier and Pontoon Pty Ltd for \$142,262 (ex GST) for the supply and installation of two pontoons at the Karuah Boat Ramp.
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090	Councillor Bob Westbury Councillor Bruce MacKenzie	It was resolved that the Rescission Motion be brought forward prior to the Council Committee recommendations.
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RESCISSION MOTION

RECISSION MOTION

ITEM NO. 1

FILE NO: 16-2010-291-1

DEVELOPMENT APPLICATION FOR SUPERMARKET (WOOLWORTHS) AT NO. 39, 41, 43, 45, AND 47 FERODALE ROAD, MEDOWIE

COUNCILLOR: MACKENZIE, TUCKER & O'BRIEN

That Council rescind its decision of 22 March 2011 on Item 3 of the Council Committee Recommendations Report, namely Development Application for Supermarket (Woolworths) at No. 39, 41, 43, 45 and 47 Ferodale Road, Medowie.

ORDINARY COUNCIL MEETING – 25 MARCH 2011

	Councillor Bruce MacKenzie Councillor Steve Tucker	That the Rescission Motion be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Cr John Nell.

Those against the Motion: Crs Ken Jordan, Bruce MacKenzie, Shirley O'Brien, Steve Tucker, Sally Dover and Bob Westbury.

The motion on being put was lost.

ITEM NO. 3

FILE NO: 16-2010-291-1

DEVELOPMENT APPLICATION FOR SUPERMARKET (WOOLWORTHS) AT NO. 39, 41, 43, 45, AND 47 FERODALE ROAD, MEDOWIE

REPORT OF: DAVID BROYD – SUSTAINBLE PLANNING, GROUP MANAGER
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

1) Refuse Development Application 16-2010-291-1 for the following reasons;

a) Non-compliance with Development Control Plan 2007

The proposed development fails to comply with the provisions and general objectives of the Port Stephens Development Control Plan 2007.

Particulars

The proposed development has been assessed against the provisions of Development Control Plan 2007, Chapter 4 – Commercial and Mixed Use Development, and was found to be unsatisfactory. In particular, the proposed development fails to a) adequately address the street frontage, b) provide adequate setbacks to adjoining properties, c) provide appropriate articulation and finishes within the design and d) exceeds the maximum height limitation.

b) Failure to satisfy the objectives of the Medowie Strategy

The proposed development is unsatisfactory when tested against the objectives and provisions of the Medowie Strategy.

Particulars

By virtue of its site planning and design the proposed development fails to establish the desired future character planned for the Medowie Town Centre from that which exists and as such fails to satisfy the objectives of the Medowie Strategy. Rather than contributing to substantially improving the urban design of the town centre by fronting the street and providing strong pedestrian connectivity, the applicant has presented a site layout that results in the shopping centre building, which ignores Council's desired future character for the Medowie Town Centre, and a development isolated from the township.

c) Failure to satisfy the objectives Clause 21 – Business Zone of *Port Stephens Local Environmental Plan 2000*

The proposed development fails to satisfy the general objectives of Clause 21 – Business Zone, under *Port Stephens Local Environmental Plan 2000*

Particulars

MINUTES FOR ORDINARY MEETING – 25 MARCH 2011

The proposed development has been considered against the objective of Clause 21 and is found to be unsatisfactory with regards to Clause 21(b) and Clause 21(d). The proposed development is inconsistent with the desired character of the locality, and by virtue of its design enhances reliance upon private motor vehicles.

- d) Failure to satisfy the objectives Clause 44 – Appearance of land and buildings of *Port Stephens Local Environmental Plan 2000*

The proposed development fails to satisfy the general objectives of Clause 44- Appearance of land and buildings, under *Port Stephens Local Environmental Plan 2000*

Particulars

Clause 44 of LEP 2000 stipulates that the consent authority may consent to the development of land within view of any main or arterial road, only if it takes into consideration the probable aesthetic appearance of the proposed building or work on that land when used for the proposed purpose and viewed from that main or arterial road, The proposed car parking area fronting Ferodale Road (main road) and Peppertree Road (future main road) combined with the building's setbacks creates undesirable streetscape presentation, heavily dominated by car parking and loading facilities, rather than activated street fronts. In this regard, the proposed building does not respect the prevailing streetscape and townscape, nor does it set new precedent in terms of its alignment in responding to the street edge and building envelope of future neighbouring existing buildings. In this regard, the proposed development is unsatisfactory with regards to Clause 44 of Port Stephens Local Environmental Plan 2000.

Due to the reasons outlined above the proposed development is found to be unacceptable and as such should be refused by Council.

COUNCIL COMMITTEE MEETING – 15 MARCH 2011

RECOMMENDATION:

	Councillor John Nell Councillor Steve Tucker	That Item 3 be deferred to allow for a 2 way conversation with Councillors on 22 March 2011.
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In accordance with Section 375A of the Local Government Act 1993, a division is required for this item.

Those for the motion: Crs Bob Westbury, Steve Tucker, John Nell, Bob Westbury, Sally Dover and Glenys Francis.

Those against the motion: Crs Frank Ward, Geoff Dingle and Peter Kafer.

The Motion on being put was carried.

ORDINARY COUNCIL MEETING – 22 MARCH 2011

	<p>Councillor Geoff Dingle Councillor Frank Ward</p>	<p>That Council:</p> <p>1) Refuse Development Application 16-2010-291-1 for the following reasons;</p> <p style="padding-left: 40px;">a) Non-compliance with Development Control Plan 2007</p> <p>The proposed development fails to comply with the provisions and general objectives of the Port Stephens Development Control Plan 2007.</p> <p>Particulars</p> <p>The proposed development has been assessed against the provisions of Development Control Plan 2007, Chapter 4 – Commercial and Mixed Use Development, and was found to be unsatisfactory. In particular, the proposed development fails to a) adequately address the street frontage, b) provide adequate setbacks to adjoining properties, c) provide appropriate articulation and finishes within the design and d) exceeds the maximum height limitation.</p> <p style="padding-left: 40px;">i. Failure to satisfy the objectives of the Medowie Strategy</p> <p>The proposed development is unsatisfactory when tested against the objectives and provisions of the Medowie Strategy.</p> <p>Particulars</p> <p>By virtue of its site planning and</p>
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		<p>design the proposed development fails to establish the desired future character planned for the Medowie Town Centre from that which exists and as such fails to satisfy the objectives of the Medowie Strategy. Rather than contributing to substantially improving the urban design of the town centre by fronting the street and providing strong pedestrian connectivity, the applicant has presented a site layout that results in the shopping centre building, which ignores Council's desired future character for the Medowie Town Centre, and a development isolated from the township.</p> <p>ii. Failure to satisfy the objectives Clause 21 – Business Zone of Port Stephens Local Environmental Plan 2000</p> <p>The proposed development fails to satisfy the general objectives of Clause 21 – Business Zone, under Port Stephens Local Environmental Plan 2000</p> <p>Particulars</p> <p>The proposed development has been considered against the objective of Clause 21 and is found to be unsatisfactory with regards to Clause 21(b) and Clause 21(d). The proposed development is inconsistent with the desired character of the locality, and by virtue of its design enhances reliance upon private motor vehicles.</p> <ul style="list-style-type: none"> • Failure to satisfy the objectives Clause 44 – Appearance of land and buildings of Port Stephens Local Environmental Plan
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		<p style="text-align: center;">2000</p> <p>The proposed development fails to satisfy the general objectives of Clause 44- Appearance of land and buildings, under Port Stephens Local Environmental Plan 2000</p> <p>Particulars</p> <p>Clause 44 of LEP 2000 stipulates that the consent authority may consent to the development of land within view of any main or arterial road, only if it takes into consideration the probable aesthetic appearance of the proposed building or work on that land when used for the proposed purpose and viewed from that main or arterial road, The proposed car parking area fronting Ferodale Road (main road) and Peppertree Road (future main road) combined with the building's setbacks creates undesirable streetscape presentation, heavily dominated by car parking and loading facilities, rather than activated street fronts. In this regard, the proposed building does not respect the prevailing streetscape and townscape, nor does it set new precedent in terms of its alignment in responding to the street edge and building envelope of future neighbouring existing buildings. In this regard, the proposed development is unsatisfactory with regards to Clause 44 of Port Stephens Local Environmental Plan 2000.</p> <p>Due to the reasons outlined above the proposed development is found to be unacceptable and as such should be refused by Council.</p>
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MINUTES FOR ORDINARY MEETING – 25 MARCH 2011

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

Those for the Motion: Crs Peter Kafer, Caroline De Lyall, John Nell, Geoff Dingle Frank Ward.

Those against the Motion: Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury.

The motion was lost on the casting vote of the Mayor.

084	Councillor Bruce MacKenzie Councillor Steve Tucker	It was resolved that Council: 1) Indicate it support for the development application for a supermarket (Woolworths) at No 39, 41, 43, 45 and 47 Ferodale Road, Meadowie and request the Sustainable Planning Group Manager to bring forward draft conditions in the event that Council resolve to give consent. 2) Foreshadow the intention to include a condition to require the provision of public toilets.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Bob Westbury.

Those against the Motion: Crs Peter Kafer, Caroline De Lyall, Geoff Dingle, John Nell and Frank Ward.

The motion was carried with the casting vote of the Mayor.

**COUNCIL
COMMITTEE
RECOMMENDATIONS**

ITEM NO. 1

FILE NO: PSC2009-0629

ABORIGINAL PROJECT FUND GRANT VARIATION REQUEST

**REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL AND DEVELOPMENT PLANNING,
MANAGER**

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse a request by Karuah Local Aboriginal Land Council to re-allocate an unexpended grant of \$10,000 they received under the 2008 funding round of Council's Aboriginal Project Fund for the 'Community Sports Court Project', to be expended on replacing the floor of their community hall (as per **Attachment 1**) in lieu of the 'Community Sports Court Project'.
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COUNCIL COMMITTEE MEETING – 15 MARCH 2011

RECOMMENDATION:

	Councillor Sally Dover Councillor Peter Kafer	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 25 MARCH 2011

	Councillor Bruce MacKenzie Councillor	That the meeting be adjourned to allow other Councillors to be present.
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091	Councillor Ken Jordan Councillor Steve Tucker	It was resolved that Council proceed with the items on the agenda tonight.
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092	Councillor Ken Jordan Councillor John Nell	It was resolved that the Council Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to seek Council endorsement of a request by Karuah Local Aboriginal Land Council (KLALC) to vary the expenditure of an unexpended

grant of \$10,000 for the 'Community Sports Court Project' previously received under Council's Aboriginal Project Fund, for the alternate purpose of replacing the floor in their community hall.

At the ordinary meeting of Council on 25 March 2008 Council endorsed (as per resolution 061) to:

1) Supply funds from Council's Aboriginal Project Fund in accordance with the amounts and purposes prescribed below: -

1.5 A grant of \$10,000 to the Karuah Local Aboriginal Land Council for the 'Community Sports Court Project'.

Since receiving this grant KLALC has undergone a number of changes including the appointment of a new CEO in February 2009 which followed a prolonged vacancy in this role. Since their commencement the CEO has been responsible for implementing a number of reforms under the amended Land Rights Act. These reforms have included the establishment of Local Aboriginal Land Council Boards and the development of a mandatory 'Community & Business Plan'. These changes delayed KLALC in expending their grant for the 'Community Sports Court Project' which is an upgrade to their existing tennis court.

On 9 February 2009 Council's Aboriginal Strategic Committee was advised by KLALC that: -

...work is yet to commence on upgrading the tennis court with funds provided through Council's Aboriginal Project Fund. The KLALC Board is in the final stages of formulating a Community & Business Plan which includes recreational facilities such as the tennis court. It is preferred that the plan be completed prior to any funds being spent to ensure that funds are expended in line with the Board's overall vision for the tennis court facility.

Consequently Council's Aboriginal Strategic Committee advised KLALC that any proposed variations to the expenditure of grants allocated under Council's Aboriginal Project Fund would need to be submitted to Council for consideration.

The subsequent development of the KLALC 'Community and Business Plan' provided the newly established KLALC Board with the opportunity to review and reassess their priorities and resource requirements. Consequently Council's Aboriginal Strategic Committee advised KLALC that any proposed variations to the expenditure of grants allocated under Council's Aboriginal Project Fund would need to be submitted to Council for consideration.

At the ordinary meeting of Council's Aboriginal Strategic Committee on 1 February 2011: -

KLALC CEO indicated that they he has prepared a proposal for his Board to consider at their next meeting concerning a variation to the funds they have previously received for the 'Sports Court Project'. They will advise the ASC of the outcome.

Subject to the KLALC Board endorsing the proposed variation, Council's Social Planning Co-ordinator will submit a report to Council to consider a variation to how the grant can be expended in line with the alternate proposal sought by KLALC.

On 10 February KLALC CEO wrote to Council informing Council that they would like to use the funds to contribute towards the supply and installation of new flooring in their community hall as per option no.3 in **Attachment 1**.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL, POLICY AND RISK IMPLICATIONS

KLALC shall accept full responsibility for the liability of any programs or projects they have received funding for under Council's Aboriginal Project Fund.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed variation to the expenditure of the unexpended grant is closely aligned with the KLALC Community and Business Plan. The proposed re-allocation of the grant to enable the floor in the community hall to be replaced will see the renovations carried out to the hall by the KLALC over the last 18 months move close to being fully completed which continues to be used for various community purposes. The upgrading of the hall will provide locals and community service providers alike with access to a quality venue for the deliver of a range of social, cultural and support programs to be delivered.

CONSULTATION

Council's Aboriginal Strategic Committee has been consulted on this matter over the last 2 years and has advised KLALC on various options and the required processes for seeking a variation to the expenditure of their grant.

OPTIONS

- 1) To accept the recommendation.
- 2) To reject the recommendation.

ATTACHMENTS

- 1) Letter from Karuah Local Aboriginal Land Council dated 10 February 2011.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Letter from Karuah Local Aboriginal Land Council dated 10 February 2011



*Karuah Local Aboriginal
Land Council*

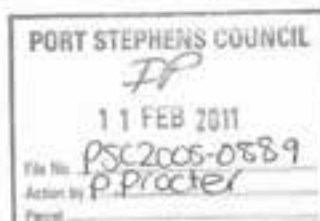
ABN 17 304 066 405

Ph: (02) 49 975733
Fax: (02) 49 975750
Email: karuahaboriginal@bigpond.com

PO Box 30
16 Mustons Rd
KARUAH NSW 2324

Date: 10/02/2011

Paul Procter
Social Planning Co-ordinator
Port Stephens Council
P.O.Box 42
Raymond Terrace NSW 2324



Dear Paul;

Some time ago the karuah Local Aboriginal Land Council had received some funds from the Aboriginal Project Fund of \$ 10,000.00 dollars.

The project was for the upgrade of the Tennis Court but the Land Council at the time needed to find more funds for the upgrade, we did take down the fencing around the Tennis Court.

The Karuah LALC would now like to use the funds to fix the Aboriginal Community Hall at Mustons Road, Karuah.

Please find attached quote from Port Stephens Carpet Choice, the Karuah LALC have board have went for option number (3). At a cost of \$ 10,895.00.

Would Port Stephens Council support this change to move the funds to the Aboriginal Community Hall Project.

Thank you

Dave Faeney
Chief Executive Officer
Karuah Local Aboriginal Land Council

2nd February 2011

Karuah Local Aboriginal Land Council
16 Mustons Road
KARUAH NSW

Attn: Mr Dave Feeney

Re: Refurbishment of Hall
KARUAH

Dear Dave,

Our quotation to supply and install new laminate flooring to be installed to the Community Hall is as follows:

OPTION NO 1

- Supply and install " *Loc Floor* " 7mm thick laminate floating floor to be installed upon a 2mm thick foam underlay to cover the interior of the community hall

Includes GST Sum of \$ 7,765.00

OPTION NO 2

- Supply and install " *Visage or ArmaLock* " 8mm thick laminate floating floor to be installed upon a 2mm thick foam underlay to cover all areas listed above

Includes GST Sum of \$ 8,450.00

OPTION NO 3

- Supply and install either " *Tuf Loc or Titan Select* " 12mm thick laminate floating floor to be installed upon a 2mm thick foam underlay to cover all areas as previously listed

Includes GST Sum of \$ 10,895.00

Port Stephens

CARPET CHOICE

Port Stephens Flooring Centre Pty Ltd ABN 59 108 893 849
Homebased Centre, 86 Port Stephens Drive, Taylors Beach NSW 2219 P.O. Box 52, Nelson Bay NSW 2219
Phone +61 2 4952 2522 Fax +61 2 4952 2550
E mail portstephens@carpetchoice.com.au
Website www.carpetchoice.com.au

All prices includes the supply and installation of

- Junior or Senior End threshold trims where necessary
- Scotia beading to be installed to all internal walls where necessary

No allowance has been made to repair or prepare existing timber floor prior to or during installation of materials.

No allowance has been made to remove or replace large island benches or to remove or replace interior/exterior doors

For any further assistance please contact me on either 49822522 or 0412565609

Yours Faithfully

Robert Ryan

Port Stephens

CARPET CHOICE

Port Stephens Flooring Centre Pty Ltd ABN 29 108 916 949
Homemaker Centre, 88 Port Stephens Drive, Taylors Beach NSW 2316 P.O. Box 93, Nelson Bay NSW 2316
Phone +61 2 4982 2502 Fax +61 2 4982 2602
Email portstephens@carpetchoice.com.au
Website www.carpetchoice.com.au

ITEM NO. 2

FILE NO: PSC2009-09538

DRAFT KARUAH GROWTH STRATEGY

REPORT OF: BRUCE PETERSON – ENVIRONMENTAL AND DEVELOPMENT PLANNING,
MANAGER

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the draft Karuah Growth Strategy (**Attachment 1**) and associated draft Development Control Plan Chapter (**Attachment 2**) on public exhibition for a minimum period of 28 days.
- 2) Write to all affected landowners advising them of the draft Karuah Growth Strategy and draft Development Control Plan Chapter, inviting comment during the exhibition period.
- 3) Consult with key stakeholder groups such as Karuah Working Together seeking comment on the draft Karuah Growth Strategy and draft Development Control Plan.

COUNCIL COMMITTEE MEETING – 15 MARCH 2011

RECOMMENDATION:

	<p>Councillor Frank Ward Councillor Peter Kafer</p>	<p>That Council:</p> <ol style="list-style-type: none">1. Place the draft Karuah Growth Strategy (Attachment 1) and associated draft Development Control Plan Chapter (Attachment 2) on public exhibition for a minimum period of 28 days.2. Write to all affected landowners advising them of the draft Karuah Growth Strategy and draft Development Control Plan Chapter, inviting comment during the exhibition period.3. Consult with key stakeholder groups such as Karuah Working Together and the Karuah Aboriginal Land Council seeking comment on the draft Karuah Growth Strategy and draft Development Control Plan.
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MINUTES FOR ORDINARY MEETING – 25 MARCH 2011

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

Those for the motion: Crs Bob Westbury, Glenys Francis, Peter Kafer, Frank Ward, Geoff Dingle, John Nell, Sally Dover and Shirley O'Brien.

Those against the motion: Nil.

ORDINARY COUNCIL MEETING – 25 MARCH 2011

093	Councillor Ken Jordan Councillor Bruce MacKenzie	It was resolved that the Council Committee recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien John Nell, Sally Dover and Bob Westbury.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to inform Council of the Planning Reform Funded project for the development of the Karuah Growth Strategy (in association with Great Lakes Council) and place the draft Karuah Growth Strategy and associated Draft DCP Chapter on exhibition.

Karuah is a small township of just under 1000 residents, located on both sides of the Karuah River, on the boundary of the Port Stephens and Great Lakes Local Government Areas. In 2004 the Pacific Highway bypassed Karuah, removing large volumes of cars and trucks. This had a positive impact on the amenity of the main street however, the removal of this passing highway trade had a negative economic impact on businesses which relied upon this trade.

Council resolved on 28 July 2009 to carry out a Karuah Planning Strategy. Subsequently, in September 2009 Council received funding for the development of a growth strategy for the future development of Karuah, to enable sufficient growth opportunity to lift the population base to a level able to sustain a viable range of services and facilities to maintain a functional community.

The Karuah Growth Strategy area includes land both within Port Stephens (south of the Karuah River including the town centre) and Great Lakes (north of the Karuah River) Local Government Areas. As such, it was recognised that a cross boundary co-ordinated approach to manage future growth was required. An outcome of the

draft Strategy is to provide an integrated growth footprint for Karuah, which addresses both sides of the river as the basis of an agreed Growth strategy across the LGA boundary that is aligned with the Lower Hunter Regional Strategy and the Mid North Coast Regional Strategy.

Karuah is currently growing by 11 dwellings per year, with 100 vacant lots. The Karuah Growth Strategy conservatively identifies the potential for an additional 500 lots. These lots will provide sufficient housing for the doubling of Karuah's population (460 occupied dwellings at present). There is sufficient land identified to satisfy demand to 2030 at the current growth rate of 11 dwellings per year and even a much higher modelled demand of 30 dwellings per year. As such, there is no need to identify additional land as having urban potential beyond that identified in the draft Strategy however, Council should monitor take up rates and demand to ensure that sufficient land is available and to allow additional potential urban land to be identified and rezoned if required.

Karuah will remain a relatively small community of just over 2900 people even at the highest predicted growth rates and has a small wider catchment of perhaps another 500 people. The size of its commercial centre will be limited due to its close proximity to Raymond Terrace and the retail "leakage" that occurs to Raymond Terrace. There is potential for Karuah to play a major role in servicing the recreational needs of residents of Kings Hill, as the boat launching facilities at Karuah provide the closest mechanism for access to the Port Stephens estuary. This will provide economic benefit for the town centre and opportunities for Karuah to reposition itself in the tourist market.

A small light industrial area is suggested to the west of the village, on the land occupied by the timber mill and adjacent land as this will provide opportunities for small light industrial enterprises to establish and provide services and employment to the residents of Karuah.

The draft Development Control Plan contains locally specific development guidelines which implement aspects of the draft Growth Strategy, such as the relationship of the proposed new residential areas to the existing township, and maintaining environmental corridors to keep the town's unique setting and character.

FINANCIAL/RESOURCE IMPLICATIONS

There are no significant financial/resource implications associated with the exhibition of the draft Karuah Growth Strategy. Increased urban development of Karuah will result in an increase in Council's Section 94 Plan funds.

LEGAL, POLICY AND RISK IMPLICATIONS

The adoption of the Karuah Growth Strategy will enable Council to fulfil the future growth expectations of the Lower Hunter Regional Strategy and the Port Stephens Settlement Strategy, as they relate to Karuah, in an orderly economic and sustainable manner. The Karuah Growth Strategy builds on previous work undertaken in Karuah by Council and key stakeholder groups.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Whilst improving the amenity of the main street, the removal of the passing highway trade following the implementation of the Karuah bypass has had a short term negative economic impact on the township of Karuah. The income of most Karuah residents is modest, as Karuah has a relatively high proportion of aged people relative to Port Stephens, the Lower Hunter or Australia generally. Karuah has a higher employment rate and education levels are lower than these other areas.

Building local education levels and skills are very important to local prosperity. Currently, there is not a large local economic base from which businesses and local employment can grow. Attracting customers from other places and increasing the local population in Karuah are key drivers toward economic prosperity.

There are some significant environmental constraints for development of Karuah. These constraints include the river, wetland systems and endangered ecological communities. Whilst these constraints may reduce some development possibilities, the environmental areas make a major contribution to the charm and character of the town and provide opportunities for tourism market.

There are a number of areas close to the town centre within which new urban development can occur without impacting significantly on the environmental attributes of the locality. The Strategy identifies sufficient land for urban development to meet growth needs until at least 2035. It is important to note that this growth is likely to be steady, allowing the community to build on its existing relaxed character and continue the close-knit nature of the village.

CONSULTATION

The draft Karuah Strategy was prepared from a collaboration of stakeholders including the Department of Planning, Great Lakes Council, Strategy Hunter Consultants and various representatives of Port Stephens Council. It must be noted that the community has not been consulted during the preparation of the draft Strategy and draft DCP. This is due to the exhaustive consultation that has taken place with the Karuah community prior to preparation of the draft strategy and DCP. It was considered that previous consultations with the community were adequate and the outcomes of these consultations informed the development of the draft strategy and DCP.

OPTIONS

- 1) Council resolve to exhibit the draft Karuah Growth Strategy and accompanying draft Development Control Plan Chapter for a period of 28 days.
- 2) Not adopt the recommendation and proceed to finalisation of the draft Karuah Strategy for exhibition.

ATTACHMENTS

- 1) Draft Karuah Growth Strategy
- 2) Draft Development Control Plan Chapter Karuah

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Draft Karuah Growth Strategy

**DRAFT
Karuah
Growth
Strategy**

**Strategy Hunter consultants
and Port Stephens Council**

August 2010

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Executive summary

Karuah is a village of 858 residents (2006 census) It is located on the shore of the Karuah River, at the western end of the Port Stephens waterway.

In 2004 a highway bypass of the town severely affected local businesses. However it dramatically improved the amenity of the town. The town is still recovering from the economic shock of the bypass, but local businesses have repositioned themselves and are reporting improved trade. The town is growing by around 11 dwellings per year.

The draft Karuah Growth Strategy seeks to provide a spatial and land use plan for the growth of the town. It aims to identify growth scenarios, infrastructure constraints and land for new urban development.

The draft Strategy is based on the advantages of Karuah's natural setting and relaxed ambience. It identifies sufficient land for urban development close to the town to meet growth needs until at least 2035.

The draft Strategy aims to further underpin local business and employment creation through residential growth. While local businesses will expand and others will establish, the commercial centre is likely to remain a village centre in scale, due to the relatively small local population and the closeness of Raymond Terrace as an alternative shopping venue. The village scale and character is likely to be attractive to visitors and new residents.

Karuah is fortunate in that relatively little infrastructure investment is required to cater for growth in the medium term. Recent investments in community facilities by Council, the community and others have upgraded the capacity and standard of many facilities. Some recreation facilities are being upgraded (such as the boat ramp) and others may require upgrading over the short to medium term.

Two incremental upgrades of the sewer treatment facility are required before a critical capacity constraint is encountered. However, the incremental upgrades will provide sufficient capacity for at least 20 years and possibly much longer.

The growth of Karuah is likely to be steady and not rapid. This will allow the community to build on its existing relaxed character and continue the close knit nature of the village.

An important aspect of the draft Growth Strategy is capitalising on the national parks that surround the village by linking them with habitat corridors to environmentally significant areas within the village. This will help to define the urban areas and provide residents with a unique natural rural environment.

It should be noted that the draft Growth Strategy is based on existing information and did not involve detailed site investigations. As a result the potential new urban areas are indicative and require detailed site studies to confirm their suitability.

Purpose

The purpose of the Karuah Growth Strategy is to provide strategic level guidance for the future development of Karuah. The focus of the Strategy is spatial and land use planning; however it also addresses aspects of economic and social development, as well as environmental management.

Karuah is a relatively small village which has suffered adverse economic impacts as a result of the construction of a highway bypass. At the same time, the bypass has improved the amenity of the village by removing large volumes of traffic from the main road that bisects the village. Freed from the busy highway traffic, Karuah now has the opportunity to grow in a way which takes full advantage of its relaxed leafy riverside ambience.

The Karuah Growth Strategy aims to respond to the policy directions of the Lower Hunter Regional Strategy, the Port Stephens Community Settlement and Infrastructure Strategy and its successor, the draft Port Stephens Community Settlement Strategy.

The Strategy has been funded with the assistance of the NSW Department of Planning's Planning Reform Fund.

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Structure

The Karuah Growth Strategy is structured as follows:

1. Background

This part documents and summarises the ecological, social, economic, aesthetic and structural context, and the general opportunities for growth in Karuah.

2. Planning and Policy Context

This part provides the policy and legislative framework for the Strategy including state legislation, state planning policies and the Port Stephens Local Environmental Plan.

3. Issues and Options

This part details the issues associated with future urban growth, and includes discussion of strategic objections and options for growth.

4. Strategic Directions

This part identifies a proposed growth strategy and complementary economic and community development actions.

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Background

Karuah is a village of just under 1000 residents located 27 km by road to the northeast of Raymond Terrace. It is located on both sides of the Karuah River, on the boundary of the Port Stephens and Great Lakes Local Government Areas, and at the western end of the Port Stephens Waterway. Most of the village is located on the western side of the river, within Port Stephens Local Government Area, with a small settlement on the eastern side of the river in Great Lakes Shire. The village is around 27 kilometres, or 20 minutes by car, north of Raymond Terrace via the dual lane Pacific Highway.

Figure 1: Karuah location map



Source: Lower Hunter Regional Strategy

In 2004 the Pacific Highway bypassed Karuah, removing large volumes of cars and trucks which made life in the village's main street unpleasant. However, the bypass also deprived the village of most of its passing highway trade, from which many businesses received considerable income. Since then, the village has been enjoying a main street with greater amenity while its businesses reposition themselves to cater more for the local market and the lower volume of highway travellers who are seeking a break.

Since the early 2000's a range of studies have been undertaken in an attempt to assist business and the wider community adapt to life without the bypass, and to identify areas for urban expansion, social development and business growth; and strategies to improve the amenity of the area, particularly the main street.

There is not an existing large local economic base from which businesses and local employment can grow. A key to economic growth is attracting customers from other places, and increasing the local population. This strategy can build on the existing economic strengths of the village in hospitality and food services, small scale retailing, and oyster growing and processing. It can also capitalise on

the natural assets of the village (the wetlands and the river) and other assets such as the foreshore parks and the ready access to the waters of Port Stephens (boat ramp).

Karuah has some significant environmental assets which interact with the potential expansion of the urban area. These environmental assets (e.g. the river and wetlands) make a major contribution to the charm and character of the village, although they restrict some of the development options. Nonetheless there are a number of areas which appear suitable for further investigation for residential development.

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Social Profile

Karuah village had a population of 858 in the 2006 census (not including Karuah (Great Lakes), a decrease of 211 or 20% since the 2001 census. Most of this decrease seems to be due to the number of unoccupied dwellings increasing from 5 in 2001 to 73 in 2006, and the total number of dwellings decreasing from 448 to 410 in 2006 (most of this decrease was caravans, cabins or houseboats).

Because the population of Karuah is relatively low, small changes in numbers can significantly change the proportion of residents with a specific characteristic. Accordingly, care needs to be taken when interpreting census statistics for Karuah.

There were 339 occupied dwellings in Karuah in 2006, with an average occupancy of 2.52 people/dwelling.

93.8% of dwellings were separate houses, with 4% being other dwellings (such as caravans, cabins or houseboats). 43.8% of dwellings are fully owned relative to 37.8% for Port Stephens, with another 21.9% in the process of being purchased, relative to 29.2% for Port Stephens. 26.9% of dwellings are rented, relative to 26.2% for Port Stephens.

Karuah is a less mobile community than Port Stephens as a whole, with 66.5% of residents having the same address as 5 years ago, with another 13.3% having lived elsewhere in Port Stephens and moved to Karuah. In Port Stephens 52.5% of residents had the same address 5 years ago and another 17.4% moved within Port Stephens.

Some 86.1% of Karuah's population was born in Australia, and 17% (146) identified themselves as being of indigenous descent. A much higher proportion of Karuah's population is of indigenous descent than Port Stephens overall (2.9%).

Relative to Port Stephens, the age structure of Karuah has:

- a lower proportion of children aged 0-4 years,
- a higher proportion of young people aged between 5 and 14 years,
- a lower proportion of adults aged 25-54 years,
- a higher proportion of those aged over 55 years and
- a slightly lower proportion of those aged over 75 years.

Table 1: Age Profile of Karuah village

Age Group	Number	Karuah %	Port Stephens %
0-4	54	6.3%	6.2%
5-14	140	16.4%	14.6%
15-24	91	10.7%	11.7%
25-39	120	14.1%	16.6%
39-54	166	19.4%	20.8%
55-64	117	13.7%	13.1%

64-74	108	12.6%	9.5%
75+	58	6.8%	7.4%
Total	854	100%	99.9%

Source: ABS Census 2006

The median household income of \$526 per week was much lower than the \$813 per week for Port Stephens. Of those in the labour force, 49.3% were employed full time, 30.1% part time and 11.6% were unemployed. The occupation of employed residents was dominated by labourers, technicians and trades workers, and machinery operators. Professionals comprise only 7.4% of the employed.

Of those no longer at school 16.5% completed school to Year 12, relative to 29.3% of Port Stephens, while 75% completed school at least to Year 9, relative to 83.4% for Port Stephens .

Karuah has a SEIFA Index of relative socio economic advantage and disadvantage score of 831, relative to 970 for Port Stephens. Karuah is in the lowest 10% of suburbs in Australia, while Port Stephens is within the highest 70% of Local Government Areas. SEIFA is calculated by ABS bringing together a number of factors which indicate long term social and economic advantage and disadvantage.

37.2% of families were couple families with children, 19.7% were one parent families and 43.1% were couple families without children, relative to 41.1%, 16.3%, and 41.8% respectively, for Port Stephens. 27.2% of households in Karuah are lone person household.

In summary, Karuah is a settled community. It has a high proportion of Australian born residents and a high proportion of residents of indigenous descent. There is a higher proportion of young people (5-14) and seniors in Karuah than Port Stephens as a whole, and a high degree of home ownership. On average there is a relatively low average household income. Karuah residents are generally in lower skilled jobs than Port Stephens residents generally, and on average they have engaged in less schooling. The combination of lower skilled jobs, and a high aged population each contribute to the relatively low household income.

Informed Decisions (id.) produced population projections of the Karuah - Swan Bay - Twelve Mile Creek Planning District for Port Stephens Council in 2009. These projections incorporate a wider spatial area than the village centre, and approximate the core retail and services catchment for the village centre. The population of this wider area is projected to increase by 647, from 1455 in 2006 to 2102 in 2031, or an average of 26 people per year. In contrast to many areas in Port Stephens, id. project that the number of people aged under 15 will increase more than the number of people aged over 65 years. Both the younger (under 15 years) and the older (over 65 years) age groups are projected to increase in number and proportion relative to other age groups. Id's projections assume that younger families will be strongly attracted to the area, whereas older age groups will move elsewhere. In other words, in the future many of the young families will move to Karuah from elsewhere, and many of the older residents will have resided in Karuah for some time.

The population projection assumes an additional 259 dwellings over the 24 years 2007- 2031 or an additional 11 dwellings per year. This growth rate is close to the current medium term trend. Specifically, the projection assumes 2006-9 dwelling additions follow building approvals, lagged by 9-

18 months, an additional 123 dwellings being developed over 2010-2029 around Holdom and Wattle Rd (draft LEP amendment 24), and a low level of infill development (3 to 8 dwellings per annum). Net migration is projected to be a much greater, albeit reducing, contributor to population growth than natural increase.

Table 2 compares the projections produced by id in 2006 with those shown in the Community Settlement and Infrastructure Strategy (2007) (CSIS). The CSIS assumed a growth rate in dwellings of almost 3 times that of the 2009 id projections. In retrospect, this assumed growth rate appears quite optimistic. The successor of the CSIS- the draft Port Stephens Community Settlement Strategy (2010)-adopts the 2009 id projections.

Table 2: Future population projections for the Karuah - Swan Bay - Twelve Mile Creek Planning District

	2006	2011	2016	2021	2026	2031	Change 2006-2031	Av ann. Change %
CSIS	1530 (2005)	1810 (2010)		2860 (2020)		3680		
id 2009	1456	1609	1738	1872	2001	2102	646	1.5

Source: id 2009, CSIS 2007

Assuming reasonable success of efforts to promote growth in Karuah, the actual growth rate is likely to be between the optimistic CSIS estimates and the 2009 id estimates. This could result in an increase in 20 dwellings per year (double current trends) or between 48 and 54 additional residents per year (based on 2.4 and 2.7 persons/dwelling respectively for id and the CSIS). However, this increased growth rate is very dependent on market conditions, the availability of land and housing products which meet market needs, the existence of alternative competitor locations in the housing market, and the attractiveness of Karuah to its target markets. The local community can only influence these factors to a limited extent.

Karuah Commercial Centre

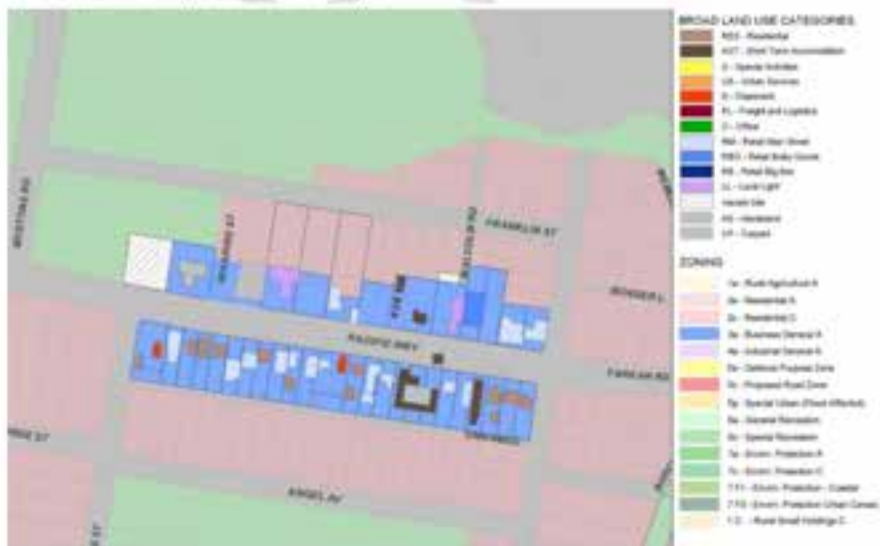
The economic and social wellbeing of Karuah is closely aligned to the health of its village centre. Not only does the village centre provide employment and a place to buy goods and services, it is an important place for residents to meet and socialise.

The Karuah Bypass- Economic and Social impacts- Five Year Report 2009 (University of Sydney) found that the number of businesses in Karuah had increased slightly since the bypass, and the business mix had shifted away from its previous highway service orientation. Employment had decreased with a loss of 35 jobs (full time and part time jobs). It should be noted that these jobs are direct counts and not converted to "full time equivalent" numbers. Most jobs lost were part time, and mainly at petrol stations and their related cafe/takeaway premises. Most businesses expected trading to improve slowly, and the majority of major businesses still reported a decrease in profit relative before the bypass.

The 2010 Port Stephens Commercial and Industrial Study (SGS) provides information about economic activity in Karuah, particularly in relation to the village centre.

The results of a site survey of the 8.5 ha village centre undertaken by SGS are shown in Figure 2. The village centre is relatively low intensity with retail activity interspersed with residential and other land uses. It should be noted that the survey did not include the largest commercial activity in Karuah- the RSL Bowling Club- because it lies outside the 3(a) Business zone (shaded mid blue). All commercial activity is located on Tarean Road, ensuring that the function and appearance of the main street is critical to the economic health of the village centre.

Figure 2: Karuah Village Centre business types



Source: SGS 2010

SGS identified 5090 square metres of occupied commercial and retail floorspace within the zone 3(a) Business area (the village centre). Almost one third of the available floorspace is vacant- 1700 square metres.

SGS found that various forms of retail make up around half the available floorspace, with personal services and short term accommodation ("other") making up the balance. The former more significant role of Karuah as a highway service centre and short term stop over is evident from the relatively high proportion of short term accommodation as a component of total floorspace. SGS estimated the retail turnover of Karuah as follows:

Table 3: Karuah Village Centre retail turnover 2008 (\$'000's)

Supermarkets	Department Stores	Other Food	Clothing	Household Goods	Other Retail	Hospitality and Services	Total
365	-	975	-	2,190	1,908	351	5,789

Source: SGS 2010

Karuah suffers from considerable retail "leakage" to larger centres, such as Raymond Terrace because of the small number of shops and the restricted variety of goods for sale. Previous studies have identified that the growth of the Karuah village centre is restricted because:

- the high leakage of sales to larger centres
- a small variety of goods are available
- the small customer base- Karuah has a population of around 1000, and services a catchment of around 1500 people
- the low income of residents
- the reduced highway trade since the construction of the bypass.

Any strategy to support the growth of the village centre should aim to address the above factors.

Based on the population projections produced by id. for Port Stephens Council, SGS estimate that floorspace demand will increase by 1500 square metres by 2031. Assuming that existing floorspace is "fit for purpose", vacant floorspace is sufficient to accommodate this level of demand. Even if additional commercial floorspace is required, the low intensity of development in the village centre means that new buildings can be easily accommodated without having to increase the area of 3(a) zoned land. Table 4 shows the projected progressive increase in floorspace demand in the Karuah village centre, based on id population projections. Assuming no change in the existing retail space allocations, this increase would allow for a small IGA style supermarket and a number of speciality shops or services. The id population projections largely reflect current growth rates, and any increase in the growth rate would either improve the viability of businesses, or support additional businesses, or both.

Table 4: Karuah Village Centre floorspace demand

2009 Floorspace Demand (sq m)	2016 Floorspace Demand (sq m)	2031 Floorspace Demand (sq m)
5,090	5,623	6,617

Source: SGS 2010

Township marketing and the growth strategy

The Karuah Township Marketing Plan 2006 (Linda Hailey) provides a good overview of strategies to tap the tourism potential of Karuah and to ensure that local expenditure is captured rather than leaking to other centres.

From a tourism perspective Hailey found that Karuah had market recognition because of its former location and role on the highway. The three motels and two caravan parks provide a wide well priced accommodation range. Accommodation is most suited for the family market, older travellers and budget conscious travellers. Hailey found that Karuah is not a tourist destination as such but there is potential to expand the average spend while visitors are in town.

Tourists are becoming more demanding consumers, expecting more than the stereotypic hamburger or pie and chips. New residents also bring some of the same expectations of the business offering of Karuah. Initiatives to retain and expand the existing market include a more innovative range of take away/dine in product, tailoring shopping hours, improving product mix and display, and improving customer service. Cafes and coffee outlets can play an important role in building local loyalty, including targeting specific groups such as a coffee club for young mums etc. There may be the potential for a small IGA style supermarket.

An upgrade of the main streets appearance including the removal and/or replacement of old/poorly co-ordinated or redundant signs was seen by Hailey as very important to the village's rejuvenation. A painting program of the commercial shopfronts and facades could be instituted based around a palette of shop front colours, perhaps co-ordinated with the village's corporate colours.

Improved billboard and gateway signage, together with clean toilet facilities in the village were also seen as important. Directional signage within the village could be upgraded, such as to the Wetlands Walk. Oysters were seen as being under-marketed as a local product by Hailey.

In order to reduce retail leakage to larger centres and to attract tourists, Hailey felt that local business needed to ensure good customer service, and that they could further enhance their profitability by participating in additional training in:

- Financial analysis and business development strategy
- Retail marketing, merchandising, window displays and product mix
- Food consulting, including product mix, marketing, positioning and promotion

The repositioning of the image of the village centre and its product offerings is a very important part of the Karuah growth strategy. A lively and attractive village centre will attract new residents. In turn, new residents will build the business base of the village centre to improve its viability and vitality.

Population growth- the Karuah Local Area Plan

Port Stephens Council's 2003 Karuah Local Area Plan (LAP) identified three areas for residential expansion. LAP Areas 1 and 2 were incorporated into the Council's 2007 Community Settlement and Infrastructure Strategy. LAP Area 3 is in Great Lakes Shire. The three areas are shown in figure 3.

The areas are:

LAP Area 1:

Land on the western edge of the existing settlement and to the south of Tarean Road. The western section of Area 1 has been zoned 2(a) Residential A, and partly developed as the "Riverside Glades" estate. Part of this estate has been subdivided, and a number of detached houses have been constructed. The balance of Riverside Glades still requires the provision of roads and utilities to permit housing development. The southeastern section of Area 1 is the subject of a rezoning proposal (Holdom Road- discussed later) which is close to finalisation.

LAP Area 2:

Land to the east of the Karuah River and to the south of Tarean Road, which is zoned 2 Village (under the Great Lakes Local Environmental Plan 1996). This land is largely undeveloped, consisting of grassland and scattered woodland, with several detached houses.

LAP Area 3:

Land on the western edge of the existing settlement and to the north of Tarean Road. This largely is largely undeveloped, consisting of grassland in the west, woodland in the east, and on its southern edge a number of detached houses on large suburban lots fronting Tarean Road.

Figure 3: Karuah Local Area Plan proposed urban expansion areas



Source: Karuah Local Area Plan PSC 2003

The Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) aims to guide the growth of the Lower Hunter for the next 25 years by identifying future development areas, principal land use types, settlement patterns and conservation outcomes. It is complemented by the Lower Hunter Conservation Plan (LCP), which identifies conservation priorities for the Lower Hunter

A key component of the LHRS is that the majority of new development within the Region should be located in close proximity to existing centres and employment lands, maximising access to services and employment opportunities. Figure 4 from the LHRS shows that Karuah is identified for a small amount of additional urban development on land immediately adjacent to the existing settlement to the north and south of Tarean Road, subject to planning investigations. The number of lots within the proposed new residential areas is not specified in the Strategy. Karuah is also shown at the northern end of the Watagan, Stockton and Wallarah Green Corridor. Lands within the green corridor surround the village and are proposed to be managed for conservation purposes.

Figure 4: Lower Hunter Regional Strategy Karuah details



Source: Lower Hunter Regional Strategy, 2006

In the LHRS, the nearest proposed urban areas to Karuah are located at Kings Hill/ North Raymond Terrace, to the north of Raymond Terrace regional centre, and Medowie to the east of Raymond Terrace; all of which are between 15-20minutes by road distant from Karuah. No specific dwelling or employment target is set for Karuah.

Lower Hunter Conservation Plan

The Lower Hunter Conservation Plan 2009 aims to direct conservation planning in the Lower Hunter over the next 25 years. It includes the identification of high conservation Government lands, including some 3000 hectares in the Karuah area, as the backbone of major conservation corridors. Guidelines for managing regional conservation, including offsets for development impact, are provided in the Plan.

The figure below shows the relationship of Karuah to the Plan. Karuah is close to a number of areas of environmental sensitivity (e.g. saltmarsh and SEPP14 wetlands) as well as forest habitat. These characteristics provide Karuah with the opportunity to grow in a setting of high environmental quality, but will also constrain the extent of development. The areas of interest to the Conservation

Plan appear to lie to the west of the town, and will constrain urban growth in that direction over the long term.

Figure 5: Karuah's role in the Lower Hunter Conservation Plan



Further discussion with DECCW indicates that a regional corridor runs in a generally north south direction linking the Medowie State Conservation area with Karuah National Park, just to the east of the highway bypass interchange. Local conservation/habitat corridors also run north south- one corridor to the east of the golf course, the timber mill and HWC dam and irrigation area; and another corridor from the wetlands located just to the north of the town centre to the Karuah National Park.

Subject to further discussion, may be possible to provide some flexibility in biodiversity offset arrangements if further development of the village is able to contribute towards securing the long term viability of these local habitat corridors.

Great Lakes Rural Living Strategy

The aim of the Rural Living Strategy is to provide direction for the land use of the rural areas of the LGA, i.e. those areas outside Forster, Tuncurry, Hawkes Nest, Tea Gardens, Pacific Palms and Smiths Lake. It incorporates a discussion of settlement hierarchy, settlement and rural land use needs and rural land use capability study.

Under the Strategy Karuah is classified as a "town", the tier of settlement below "regional centre". A town is defined as having a range of local services and has shopping for weekly and convenience needs, but relies on a regional centre for other opportunities.

The Strategy proposes an urban expansion area as an addition to the existing village rezoning, as well as a large lot urban area (rural residential) further to the north. It found the urban expansion area and the large lot were not heavily constrained, apart from some drainage issues.

5.5 ha of land was identified for urban expansion (5ha developable) to the east of Tarean Road, and was estimated to have an indicative yield of 35 residential lots. Around 44 ha of land (Lot 51 DP

613870) on the western side of Tarean Road and north of the existing settlement was identified for rural residential development, of which 35 ha was likely to be developable with an indicative yield of 70 lots at 5000 sq m/lot.

The issues identified in the Strategy in relation to urban expansion at East Karuah were proximity to the Karuah River, impact on Karuah (main township), native vegetation, and impact on the Pacific Highway (now bypassed). The main benefit of the land identified for urban expansion is its opportunity to provide for a different market because of its elevated views overlooking the river.

Mid North Coastal Regional Strategy

The Mid North Coast Regional Strategy aims to guide the growth and development of the mid north coast of NSW. Because the Karuah River/ Port Stephens is the boundary between the Lower Hunter Region and the mid North Coast, Karuah (Great Lakes) across the river is subject to the Strategy, while the main township is subject to the Lower Hunter Regional Strategy. In practice, this is not significant because the guidance provided by both Strategies for the Karuah area is similar.

The Mid North Coast Strategy proposes an extension (Lot 42) to the east of the existing urban area at Karuah (Great Lakes) (as shown in Figure 6 below). However some flexibility is inferred by Appendix 2 to the Strategy which states "the extent of development potential is to be based on joint strategic planning undertaken by both Port Stephens and Great Lakes Councils to address the wider extent and footprint of development and infrastructure provision in the Karuah locality". No specific dwelling or employment target is set for Karuah.

Figure 6: Karuah (Great Lakes) urban growth boundary and urban expansion area



Source: Mid North Coast Regional Strategy, 2009, DoP

State Environmental Planning Policy No 71- Coastal Protection

Karuah is located within the "coastal zone". Accordingly, State Environmental Planning Policy (SEPP) No 71- Coastal Protection applies. It aims to ensure that:

- 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

The Policy identifies State significant development in the coastal zone, and requires certain matters to be considered by a council when it prepares an Local Environmental Plan (LEP), or taken into account by a consent authority when it is determining a development, and also specifies some requirements to refer certain matters to the Department of Planning (in conjunction with the Major Projects SEPP (2005)), particularly those in "sensitive coastal locations", as well as identifying master plan requirements for certain development in the coastal zone.

Coastal Design Guidelines

A complementary tool to SEPP 71 is a Section 117 direction by the Minister of Planning which requires local councils to include provisions that give effect to, and are consistent with, the Coastal Design Guidelines when preparing a Local Environmental Plan (LEP) unless that inconsistency is justified by an environmental study or strategy.

The Coastal Design Guidelines embody many of the objectives of the State Coastal Policy and SEPP 71.

The Coastal Design Guidelines (CDG) describes a hierarchy of coastal settlements, from coastal cities to coastal towns, villages and hamlets. The CDG provide guidelines to assist the development of these settlements and their relationship to the surrounding area to be sensitive to the "unique natural and urban settings of coastal places in NSW".

Within the hierarchy of settlements of the CDG, Karuah would have the characteristics of a "coastal village".

The Coastal Design Guidelines provide details of issues and a generic desired future character for types of coastal settlement which should be considered in the development of development control plan (DCP) provisions for Karuah.

Climate Change and Sea Level Rise

The low lying nature of some parts of Karuah means that sea level rise and other effects of climate change (such as an increased frequency of storms) will have an impact on the village. However, broad scale assessment indicates that few structures are affected, and that the main impact of sea level rise will be inundation of, and possibly greater storm impacts on, the low lying portions of some lots along the river in the southern part of the village.

The NSW Government has released its Sea Level Rise Policy Statement, and a Coastal Planning Guideline: Adapting for Sea Level Rise. The Sea Level Rise Policy Statement adopts mean sea level rise planning benchmarks of 40cm above existing by 2050 and 90cm by 2100. The Coastal Planning Guideline states that " sea level rise planning benchmarks are not intended to be used as a blanket prohibition on development of land projected to be affected by sea level rise. New LEPs and development applications will continue to be assessed on their merits using a risk-based approach to determine whether the impacts of sea level rise and other coastal processes can be mitigated and managed over time, relative to 1990 levels, which are now NSW Government policy".

Accordingly it is important that detailed assessment is carried out in conjunction with any development application or local environmental plan (LEP) that affects low lying property.

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Rezoning Proposals

Since the adoption of the Karuah Local Plan, four rezoning proposals have been received by the Councils, 3 in Port Stephens LGA and 1 in Great Lakes LGA. These proposals can be seen in Figures 7 and 8. The proposals are:

Within LAP Area 1:

Draft Amendment 24- various lots, Wattle and Holdom Road.

This proposal embraces the southwestern corner of LAP Area 1, and extends the residential area proposed by the Local Area Plan further to the southwest. The proposal aims to rezone land to 2 (a) Residential and 7(a) Environmental Protection. A yield of approximately 166 dwellings/lots is likely.

A draft LEP has been publically exhibited, and Council resolved in 2010 to submit the draft LEP to the Minister for finalisation. One key issue remains outstanding for the draft LEP that of resolution of a suitable biodiversity offset for vegetation loss. Department of Planning has recommended that the portion of the site be made where a suitable biodiversity offset has been agreed with DECCW. It is also recommended that the remaining portion of the draft LEP be deferred until such time that a suitable off-set arrangement can be agreed.

Figure 7: Proposed rezonings - Karuah (Port Stephens)



Source: PSC

Within LAP Area 2:

Lots 42 DP 835833 and 424 DP 95438, 500 Tarean Road (north) Karuah.

This proposal embraces land beyond the eastern and southern boundaries of LAP Area 2. The Great Lakes Rural Living Strategy and the Mid North Coast Regional Strategy extend the area proposed for

residential development beyond that proposed by the Local Area Plan. This rezoning proposal extends the area for development further again, to the south and east.

An ecological assessment has been undertaken by the applicant but no other studies have been received by the Council. Following a review of the ecological assessment by Great Lakes Council, Council officers advised in 2009 that any urban development should be restricted to the area identified for urban expansion in the Mid North Coast Regional Strategy (see Figure 6), and that the balance of the land proposed for rezoning by the applicant is likely to be required for ecological offsets.

Figure 8: Proposed rezoning- Karuah (Great Lakes)



Source: GLSC

LAP Area 3:

Draft Amendment 27 - Lot 52 DP735066 44A Tarean Road.

This proposal embraces land, North of Tarean Road, to the East of LAP Area 3, and seeks to expand the proposed residential area of the Karuah Local Area Plan further to the east. The land is generally covered by woodland and drains into a nearby SEPP14 wetland. The proposal seeks to rezone land to 2(a) Residential (10.97 ha), B1 Neighbourhood Centre (0.41 ha), and 7(a) Environmental Protection. It proposes a small neighbourhood shopping centre and mixed use on Tarean Road, and residential development of approximately 170 dwellings on the western side of the site, with the balance being rezoned for conservation purposes.

In 2006 Council resolved to prepare an amendment to the Port Stephens LEP 2000. The Department of Planning advised in 2007 and again in 2008 that it would not support the proposal because it was within the Watagan Stockton Green Corridor of the Lower Hunter Regional Strategy, and because there appeared to be ample residential land already available in LEP amendments underway (i.e. Draft Amendment 24). The proposal has not progressed as a result.

Not included in the Local Area Plan:

Lots 20 and 21 DP 579653, 290 Tarean Road. This proposal is to the west of Area 1, west of the existing urban area, and to the south of LAP Area 3. It is located on the southern side of Tarean Road. Lot 20, fronting the Tarean Road, is largely cleared, with some woodland in its southern section, and Lot 21 is largely woodland. The proposal seeks to rezone Lot 20 to 2(a) Residential and Lot 21 7(a) Environmental Protection (20 ha). A yield of approximately 127 dwellings/lots could occur. In 2007 Council resolved to prepare an amendment to the Port Stephens LEP 2000 to provide 25 lots in the Northern part of the site. In response the Department of Planning advised in 2009 that it did not support the proposal because it was outside of the nominated urban release areas of the LHRs, and that there was a need for a wider review of potential urban development and conservation outcomes in Karuah. The proposal has not progressed as a result.

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Sewer and Water supply capacity

The Hunter Water Corporation provides sewerage treatment services to Karuah. The treatment facility is located to the west of the village, north of Tarean Road, and consists of a treatment plant, storage dam for the treated water and an irrigation/transpiration area. Its location is shown in Figure 11.

The sewerage system currently caters for 460 ET (water connections). There is capacity for an additional 100-150 dwelling connections before an upgrade is required to the transpiration area. This upgrade will increase the capacity of the system to 840 ET, or by around 280 ET and is likely to occur in 2014.

An additional upgrade, to the storage dam, would theoretically increase the capacity to 1300 ET. However, limitations to the treatment plant would prevent the system managing more than 1140 ET.

Expansion of the system beyond 1140 ET requires an expensive upgrade to the treatment plant, and shortly after another upgrade to the irrigation/transpiration area would be required to provide capacity beyond 1300 ET. These two constraints may provide an economic and environmental limit on the ability of the sewerage treatment system to expand further (it is surrounded by national park on two sides, and the highway on another). At the current population growth rates, this issue will not be critical for another 25-30 years.

Table 5: Sewerage system capacity

	ET (dwellings)	Upgrade cost	Upgrade timing	Estimated population at infrastructure capacity	Population increase from 2006 to reach capacity	Year to reach capacity (approximate)		
						@ 10 dwellings / year	@ 20 dwellings / year	@ 30 dwellings / year
Current connections	460	-	-	-	-			
Current capacity	570	-	-	1368	510	2021	2016	2010
After irrigation upgrade	840	\$1.5-2 million	2014 (notional)	2016	1158	2048	2029	2022
After storage dam upgrade	1140 (limit of treatment plant)	\$1.5-2 million	Not programmed yet	2736	1878	2078	2044	2032
Major upgrade required	Above 1140	Unquantified-many millions	Not programmed yet					

* additional population estimated at 2.4 people/dwelling (id projection occupancy ratio for 2031, also s94 Plan)

The sewerage system is not a constraint to the growth of Karuah in the medium term. Two upgrades can provide sufficient capacity to meet the needs of around triple the current population. This assumes a slightly younger incoming population with larger households). In the long term, the sewerage system may require substantial investment, and/or innovative solutions to provide services to a larger population in a cost effective and environmentally acceptable manner.

The water supply system has sufficient capacity to meet the needs of the above population, provided incremental upgrades occur.

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Issues

A number of issues were identified from the Karuah Strategy Key Document Summary. These issues have been used to provide a framework within which the preliminary growth strategy could be developed. Each of the issues/characteristics of the local area was assessed and a response was developed. These are shown in the table below:

Table 6: Issues assessment

Issue/Characteristic	Response
The existing settlement is a linear form along the river and Tarean Road.	New development should aim to achieve a more compact and connected settlement pattern.
Additional population will assist economic recovery.	Land should be available for urban development to meet demand in a variety of markets. Marketing strategies will be needed to attract target markets. Complementary economic drivers also need to be explored.
National Parks are present to the north and south of the village.	Habitat links should be maintained to link the national park system.
SEPP 14 wetlands exist to the south, and adjacent to the village.	Development should maintain a buffer to the wetlands and runoff quality should be well managed. The wetlands should be linked to the habitat corridors to facilitate their ecological functions.
Substantial areas of endangered ecological communities exist.	These areas should form the basis of the habitat corridors.
The village has a rural "leafy" appeal.	Development should seek to maintain and enhance this characteristic, particularly on the approaches to the village by avoiding outwards sprawl.
Natural areas are visible from most parts of the village	Development should maintain visual access to natural areas. Identify visual corridors.
The "core" of the village is located close to the western bank of the river.	Development should seek to reinforce the core of the village, i.e. the village centre. There is scope for additional commercial and mixed use development in the village centre.
The settlement along the river to the north of the village is relatively isolated.	New development should seek to better link this area to the rest of the village. Through cycleways and shared paths.
Many areas surrounding the village are low lying and flood prone.	Development should avoid these areas.
The sewerage system can be progressively upgraded to cater for substantial growth.	Provided timely staged upgrading occurs, the capacity of the sewerage system is not a constraint in the medium term (25 years+).

Issue/Characteristic	Response
More local employment is needed, and needs to diversify.	Additional urban development will provide increased local demand for goods and services. The development of a small light industrial area will help diversify jobs. Marketing strategies will be needed to attract potential businesses.
Community facilities must meet local needs.	The community centre has recently been upgraded and a child care centre constructed. The surrounding land has space for the expansion of these facilities if required, and new development will provide funding to undertake upgrading, through appropriate s94 contributions
The environmental constraints will limit growth.	Land needs to be identified for new urban development outside of environmentally sensitive areas. The environmental characteristics of Karuah contribute to its appeal as a place to live. The LHRS green corridor boundaries should be reviewed when more detailed environmental information is available.
New development will require biodiversity offsets.	The habitat corridor system will provide greater certainty as to which land could be developed. It also provides a framework for land to be dedicated to achieve biodiversity goals- which makes the identification of suitable offsets easier.
Land further west and east of the village should be developed	Local and State Government policy is to reinforce existing settlements by encouraging new development within or adjacent to these settlements. Development located further from an existing settlement increases capital and recurrent infrastructure and servicing costs. It also does not contribute to the development of a coherent settlement and generates excessive travel trips.
Additional land should be rezoned for urban development	A broad staging plan is necessary to ensure that infrastructure can be provided efficiently and to prevent isolated settlement. Excessive "rationing" of land should be avoided.

Strategic objectives for Karuah

The above assessment of issues has highlighted a number of priorities which should be reflected in the planning of Karuah. These include:

- Village character and amenity
- Viability of the village centre
- Access to retail and community services
- Housing choice and diversity to meet market needs
- Employment, and opportunities for economic development
- Avoidance of risk (land use conflict, physical constraints)
- Protecting natural resources and assets
- Infrastructure provision and capacity

The achievement of the listed priority issues should direct the planning and development of Karuah if the future village and its surroundings are to meet the needs of the community and protect its environmental assets. Accordingly, a series of objectives have been developed to provide the basis for a growth strategy, as follows:

1. Future development should maintain the relaxed "rural" appeal of the village.
2. New development should reinforce the existing village by contributing to a compact and connected settlement pattern.
3. The retail and community services functions of the existing village centre should be reinforced by ensuring these services locate within this "core" area.
4. Population growth should be sufficient to support viable retail and community services which meet local needs.
5. Land supply and housing choice should be adequate to meet potential demand from a range of target markets.
6. Employment opportunities for existing and new residents should be nurtured.
7. The natural assets of the area should be protected.
8. Habitat corridors should link important natural assets.
9. The future settlement pattern of Karuah should respond to the natural assets of the area
10. Development should avoid natural hazards such as flood prone land, low lying land and bushfire prone land
11. The growth of the village should be co-ordinated with infrastructure capacity and improvements

These objectives, together with the issues and characteristics discussed in the "issues" table above, have been used to identify and test various land use options.

Land Use Options

A number of urban growth options were developed by using the 2003 Karuah Local Area Plan as a reference point. The proposed settlement pattern of the Local Area Plan and other identified opportunities for development were tested against the objectives listed above, and a modified growth strategy developed as a result.

This evaluation was informed by information on topographic and environmental conditions and development constraints held by Port Stephens Council, information contained in planning studies and rezoning reports, and notional habitat corridors provided by the Department of Environment, Climate Change and Water. In addition the policy framework provided by the Port Stephens Community Settlement and Infrastructure Strategy, the Karuah Local Area Plan, the Lower Hunter Regional Strategy, the Lower Hunter Conservation Plan and the Mid North Coast Regional Strategy was considered.

Environmental factors, such as the presence of flood prone lands, SEPP 14 wetlands, waterways, and endangered ecological communities were used as a framework within which land suitable for urban development could be identified.

The presence of national parks, and the sewerage treatment facility constrained the available land on the periphery of the village.

The Lower Hunter Regional Strategy and Mid North Coast Regional Strategy encourage new urban development to occur within, or adjacent to existing settlements. Social considerations such as ensuring easy access to schools, shops and services also support the reinforcement of existing centres. Consequently, the land evaluation process focussed on land close to the existing village, and on ensuring that new development functioned as an extension of the existing village, rather than as an isolated settlement on its outskirts.

A number of options arose from this analysis, and Table 7 provides a rationale for these.

Table 7: Assessment of land use options

	Option	Reason
1	LAP Area 1 be extended to the south west in order to incorporate all land included in Draft Amendment 24- various lots, Wattle and Holdom Road.	This option recognises that the "Riverside Glades" subdivision is underway and partially developed, and that Draft Amendment 24 is close to finalisation.
2	LAP Area 2 be expanded on the eastern side of the river.	This option would include the land identified for land release in the Mid North Coast Regional Strategy and Great Lakes Rural Living Strategy. The land adjacent to the existing settlement is mainly cleared.

	Option	Reason
3	LAP Area 3 include land on both sides of Tarean Road.	This land is adjacent to the existing settlement. The land is mainly cleared. It is relatively close to the village centre. The wooded part of the existing LAP Area 3 has been categorised for further investigation because of possible biodiversity impacts.
4	The eastern part of the existing Area 3 which affects wooded land adjacent to the SEPP 14 wetland has been categorised as "insufficient information (biodiversity and land capability)"	The land proposed for further ecological investigation before land use options other than conservation can be considered, (i.e. it is no longer included in LAP Area 3). This is consistent with the Lower Hunter Regional Strategy which identifies this land as part of the "Green Corridor". Ecological investigations will determine an appropriate boundary for urban development and habitat corridors.
5	A larger area of mainly cleared land to the north of LAP Area 3 be retained as large acreage rural land.	This land is not currently needed for urban development. It is recommended that it be maintained as a large rural holding.
6	A major north-south habitat corridor be designated to the east of LAP Area 3.	The proposed corridor will link the national park and wetlands to the south of the village with the national park to the north. This habitat corridor also provides a long term growth boundary for residential development because all the identified medium-long term land releases are located to the east of the corridor.
8	A second north south habitat be designated to the west of the golf course and sewerage treatment facility. It also links to the national park and wetland in the south, and to the national park in the north.	It links to the national park and wetland in the south, and to the national park in the north.
9	Between the two habitat corridors is an area which contains the sewerage treatment facility, golf course and land which requires further land capability and environmental assessment before its development potential can be assessed.	<p>There is insufficient available information on the land "requiring further assessment" to determine a potential land use. In any case it is unlikely to be required for urban purposes for a very long time because of the quantum of identified potential land release further to the east, and because of its distance from the village.</p> <p>The golf course is potentially constrained by habitat corridors to the east, west and south. However expansion may be possible pending ecological and land capability assessment.</p> <p>The sewerage treatment facility occupies a significant amount of land and its expansion is constrained by national parks to the north and south, as well as a habitat corridor to the east.</p>

		This has implications for its ability to service Karuah in the long term (20+ years).
10	The land around the timber mill has potential as the focus of a small light industrial area for the village.	The timber mill is effectively an industrial land use. The area is located sufficiently far from potential residential areas to operate as a light industrial area without being unduly constrained by operational impacts on residents. It has good access to Tarean Road. It should be noted that a number of rural residential properties exist in the area which may restrict this option.

If these options are pursued the Karuah Local Area Plan could be revised to deliver the following lot yields:

Modified LAP Area 1 (Table 7 Item 1)- rezoning underway estimated yield 166 lots

Modified LAP Area 2: Karuah (east): south of Tarean Road including the undeveloped existing village zone (Table 7 Item 2) approximately 200 ha, however this land is significantly constrained by steeper slopes and some vegetation, estimated yield 100 lots.

Modified LAP Area 3:

- North of Tarean Road approx. 12 ha, estimated yield 120-180 lots (Table 7 Item 3)
- South of Tarean Road approx. 10 ha, estimated yield 100-150 lots (Table 7 Item 3)

In total, these options could potentially deliver 486-596 lots. Taking a conservative approach based on the considerable environmental constraints in the area, potential exists for around 500 lots. There are approximately 100 vacant or potential lots in the urban zoned area of Karuah, making a total of 600 potential lots available on urban zoned land or on land identified as having development potential within the modified LAP areas. This number of lots could provide sufficient housing for a doubling of Karuah's population (there are 460 occupied dwellings at present).

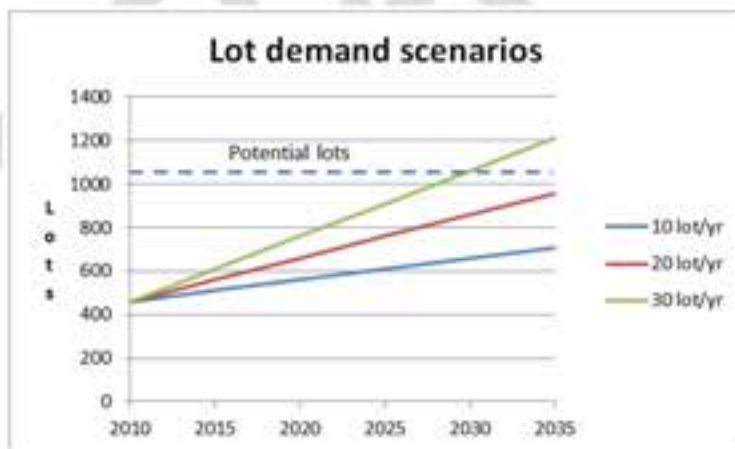
Growth rates and land demand

Using id’s projection of 11 additional dwellings per year, it will take approximately 54 years for demand to take up the 600 identified potential lots around Karuah. It is unlikely that Karuah’s growth rate will decrease below an average of 11 dwellings per year, and it is more likely that a higher growth rate will be achieved. This is because Karuah is a more attractive place to live since the construction of the highway bypass, there has been considerable recent investment in community infrastructure, the business community is beginning to rebound after a dramatic reduction in highway trade, and there is likely to be new land developments which will offer greater housing choice than previously.

Figure 8 shows the lot take up until 2035 at average demand levels of 10, 20 and 30 lots per year respectively. The identified potential lots would be more than sufficient to satisfy demand to 2030 even if demand is triple (30 lots/yr) the current level. However, if land demand was triple the current level, rezoning investigations to provide additional land for housing would need to commence at least 5 years prior to the anticipated full take up of available supply.

Until at least 2025 there does not appear to be a need to identify additional land as having urban potential beyond that already identified. However, there is a need to monitor land take up and demand to ensure that sufficient urban zoned land is available, and to allow additional potential urban land to be identified and rezoned should this be required.

Figure 9: Lot demand scenarios



The sewerage scheme will require a significant upgrade of the treatment plant at 1140 ET (dwellings). This capacity constraint is unlikely to be experienced until after 2030 even if land demand triples to 30 lots/year as shown in Figure 9. Consequently, other than the need to undertake incremental upgrades to the dam and irrigation system, the capacity of the sewer system does not appear to pose a constraint on development for the several decades. The 1140 dwelling/lot capacity constraint involves a major upgrade for the treatment plant, as well as the need to find

additional dam storage and/or irrigation areas (which may be difficult). As a result, solutions to this issue would need to be addressed well in advance of reaching the capacity constraint (preferably by 2025, at high land demand levels), reinforcing the need to closely monitor land take up and demand.

It should be noted that the sources of land shown on the left hand side of Figure 9 are for illustrative purposes and not necessarily indicative of development sequencing or timing.

Figure 10: Lot supply, demand and treatment capacity



Sustaining Community and Economic Services and Facilities

It is important that there are sufficient residents in Karuah to support viable community and commercial services in the village. As the village grows, adequate facilities also need to be available to meet the needs of new residents. The following discussion is based on the growth scenarios which were outlined in the previous section.

At growth rates of 10, 20 or 30 dwellings/year, Karuah could have a population of 1704, 2304 or 2904 respectively in 2035. It forecast a population of the larger Karuah/Swan Bay/Twelve Mile Creek Planning District of 2102 in 2031 (based on a continuation of existing growth rates of 11 dwellings/year and 2.4 persons/dwelling).

Even at an upper growth rate of 30 dwellings/ year, Karuah will be a relatively small community of just over 2900 people, with a services and retail catchment of perhaps another 500 people. Because of the closeness of Raymond Terrace (20 minutes by car), considerable "leakage" of retail and service patronage will occur from Karuah to Raymond Terrace, meaning that the village will provide less patronage of local shops and services than if it were a more isolated settlement.

This means that transport to larger settlements is important, particularly to Raymond Terrace. Public transport to Karuah has a relatively low frequency, although there are 14 services passing through the village each day. Most services are long distance coaches rather than local bus services. Port Stephens Community Transport provides a service to Raymond Terrace every Friday and every second Wednesday, and at other times subject to the availability of vehicles.

The number of students at Karuah Public School was 140 in 2005, however this progressively declined to 78 in 2009, and has now increased to 83. Increased Kindergarten enrolments indicate that the school population will continue to grow. The school can expand its enrolments to at least its previous level of 140, an increase of 75% or around 60 students, without significant new capital investment.

Health care is a concern of many communities, particularly those with a relatively small population. Karuah is fortunate in having secured the services of a general practitioner. Community health care professionals visit Karuah and use community buildings as their base when this occurs. Other than an expansion of GP services, Karuah is unlikely to grow its population sufficiently to attract a health facility, such as a community health centre. As a result, Karuah residents will continue to access community health services at Raymond Terrace, and hospital based services at Buladelah, Newcastle and Maitland.

Karuah has a recently updated community hall, several church owned halls and buildings, the Karuah Centre (former BP service station), a community hall at the Aboriginal community, and the RSL Bowling Club. All these buildings provide a range of community spaces, and based on the Port Stephens Council adopted community facility standards (AEC), they have substantial capacity to meet community needs arising from population growth before additional space is required.

The newly constructed multipurpose child care centre provides accommodation for the preschool, and has capacity to meet community needs arising from population growth for some time.

Sporting facilities at Karuah include 4 tennis courts, 2 basketball courts, and an informal BMX track, located adjacent to the community hall on Engle Avenue; and the Lionel Morten oval which includes a cricket pitch and amenities.

While the land occupied by Lionel Morton oval complies with Council's minimum of 3 ha for a sportsfield, part of the land cannot be used for sporting purposes because it contains a wetland and associated buffer vegetation. Because there is no room for expansion on the existing site, it is likely that a site for an additional sportsfield, or preferably an alternative site for a new integrated complex to replace the existing facility, will ultimately need to be obtained to cater for the growing population. In the meanwhile, the existing sportsfield complies with the Council's numerical standards even if the population of the village increases by 50%.

The Memorial and Longworth Parks contain a swimming enclosure, BBQs, shelters and a playground. There is also a boat ramp which is being upgraded. Notwithstanding the use of these facilities by visitors, they meet the Council's standards of provision.

In summary, the provision of community and recreation facilities in Karuah is generally sufficient to support a considerably increased population and still meet Council's numerical standards for the provision of such facilities. As the population increases there may be a need to upgrade and improve the existing facilities; however no substantial additional capital investment appears necessary. The exception is sporting facilities which will require new facilities on another site in the medium term, due to the inability to expand the existing oval. Development contributions levied by Port Stephens Council should provide most of the capital funding for any required upgrading of social and recreational facilities to meet demand, depending on State Government restrictions on development contributions.

It should be noted that the above assessment did not consider the condition or quality of the commercial or recreational facilities, and is limited to compliance with Council's numerical standards for the size or quantity of the facilities.

In relation to commercial and retail facilities, population growth in the short term is likely to lead to increased viability of the existing businesses, and some investment in new businesses in anticipation of continued growth. According to SGS, over the medium to long term (to 2031) the vacant floorspace in the village will be occupied by new or expanded businesses but there will be no need for additional floorspace. The SGS estimates are based on population projections produced by id, which in turn are based on a continuation of existing growth levels. Should growth occur at a more rapid pace, additional business activity will occur and more floorspace will be required. There is already sufficient land zoned for business purposes to enable this expansion to occur. Karuah is unlikely to have sufficient residents to support a full line large supermarket by 2030; however a smaller IGA style supermarket is likely to be viable much sooner.

In conclusion, population growth in Karuah in the short to medium term will provide additional activity and support for existing community and commercial services and facilities. Generally, there appears to be generally sufficient capacity in social and community facilities to meet additional demand at least over the short to medium term; and over that time population growth will tend to improve the viability of existing businesses rather than lead to the establishment of a large number of new businesses.

Advantages and disadvantages of development options

A previous section of this report identified land with potential for urban development. It found that sufficient land appears to be available to cater for anticipated demand for twenty years, even if demand increases dramatically. It also found that sewerage treatment infrastructure should be adequate for at least twenty years, subject to incremental upgrades for the system.

This section aims to assess the desirability of a number of development options. In order to achieve efficiencies in the provision of infrastructure it is important to achieve a balance between an adequate supply of land for new urban development to meet demand and the immediate rezoning of every piece of land that is suitable for urban development. It is also important to facilitate the development of a compact and interconnected urban settlement pattern, consistent with the objectives of the Port Stephens Community Settlement Strategy and Great Lakes Rural Living Strategy, and their regional equivalents.

Table 8 below identifies the advantages and disadvantages of the main development options for Karuah, and proposes an appropriate response for each.

Table 8: Advantages and disadvantages of development options:

Option	Advantage	Disadvantage	Response
Do not expand the existing urban zoned area	<ul style="list-style-type: none"> Encourages the development of vacant land in the existing urban area. Ensures a compact urban settlement. Ensures development does not impinge on ecologically significant areas. 	<ul style="list-style-type: none"> Does not provide choice of housing location and limits target markets. Very restricted growth will occur under this option. Limited economic benefits. Lack of market competition in land and housing 	<p>It will not provide sufficient opportunities for the growth of Karuah or support for existing community and commercial facilities and services.</p> <p>This option is not preferred.</p>
Expand the existing urban area by Modified Area 1 (Holdom Road) only	<ul style="list-style-type: none"> Area 1 is a logical extension of the existing urban area. Ensures a compact urban settlement. Encourages development of vacant land in the existing urban area. Largely cleared, limited impact on ecologically significant areas. 	<ul style="list-style-type: none"> Provides limited choice of housing location and limits target markets. Limited growth likely under this option. Limited economic benefits. Limited market competition in land and housing 	<p>It provides for growth within a compact settlement pattern and increased housing choice.</p>
Expand the existing urban area by rezoning Modified Areas 1 (Holdom Road) and 2 (Karuah Great Lakes) only	<ul style="list-style-type: none"> Areas 1 and 2 are a logical extension of the existing urban area. Provides an opportunity to appeal to wider 	<ul style="list-style-type: none"> Area 2 is perceived as being distant from the village centre even though it is very close. Limited growth 	<p>Relative to expanding the village by Area 1 alone, this option provides for greater housing choice within a settlement pattern which is only slightly less compact.</p>

	<p>land and housing markets.</p> <ul style="list-style-type: none"> • Greater market competition. • Ensures a compact urban settlement. • Largely cleared, limited impact on ecologically significant areas. 	<p>likely under this option over the medium term.</p> <ul style="list-style-type: none"> • Limited economic benefits. 	
<p>Expand the urban area by rezoning Modified Areas 1 (Holdom Road), 2 (Karuah Great Lakes) and 3 (Tarean Road)</p>	<ul style="list-style-type: none"> • Areas 1 and 2 are logical extensions of the existing urban area. • Area 3 is adjacent to existing urban zoned land. • Provides an opportunity to appeal to wider land and housing markets. • Greater market competition. • Largely cleared, limited impact on ecologically significant areas. 	<ul style="list-style-type: none"> • Area 3 extends the urban settlement a greater distance from the village centre. • Rezoning of all of these areas may deliver land for housing in excess of market demand for several decades. • Provides certainty of the medium term growth strategy (10-15+ years) for Karuah. • Increased land supply potentially increases market risk to land developers and may inadvertently reduce the actual supply of developed land. 	<p>Relative to expanding the village by Area 1 alone, or by Areas 1 and 2, it provides for greater housing choice within a settlement pattern which is less compact.</p> <p>It is likely that landowners will develop their land in stages to avoid oversupplying the market.</p>
<p>Expand the urban area by rezoning Modified Areas 1, 2,</p>	<ul style="list-style-type: none"> • Area 1 is a logical extension of the existing urban area. • Areas 2 and 3 are adjacent to the existing urban zoned land. • Provides an opportunity to appeal to wider land and housing markets. • Greater market competition. • Limited impact on ecologically significant areas. • More growth likely under this option. • Greater economic benefits than a 	<ul style="list-style-type: none"> • Extends the urban settlement a greater distance from the village centre. • Urban expansion would concurrently occur in four locations, leading to infrastructure inefficiencies. • If developed all four areas will exceed the likely market demand for housing until the long term (25+ years). • Increased land supply potentially increases market risk to land 	<p>Relative to expanding the village by Areas 1, 2 and 3, it provides for even greater housing choice within a settlement pattern which is less compact.</p> <p>It provides certainty as to the settlement pattern and the location of new urban land for at least the next 25+ years.</p>

	lesser expansion of the urban area.	<p>developers and may inadvertently reduce the actual supply of developed land</p> <ul style="list-style-type: none"> • Karuah may acquire a "half finished" appearance due to market demand being spread across a number of subdivisions. • Provides certainty of the long term growth strategy (25+ years) for Karuah 	
Expand the urban area by rezoning all identified potential urban areas and the areas identified for "conservation status unclear"	<ul style="list-style-type: none"> • Increased market choice. • Increased market competition. • More growth may occur. • More growth may occur under this option. • Greater economic benefits may occur under this option. 	<ul style="list-style-type: none"> • The ecological significance of these lands has not been determined, and may be high. • Infrastructure inefficiencies are likely to arise from development occurring on multiple fronts. • Increased land supply potentially increases market risk to land developers and may inadvertently reduce the actual supply of developed land • It is highly unlikely that the urban growth of Karuah will require such a larger area of land for many decades. • There is sufficient land for future residential development without using this land. 	<p>This option relies on progressing a rezoning process for land whose ecological significance is unknown, thus creating uncertainty as to the rigour underlying the Growth Strategy. This option would raise expectations about the development potential of land which may not be met.</p> <p>There is no need to rezone such a large area of land for urban development. It is highly likely that much of the land will not be needed for housing for many decades in the future.</p>
Delete the north south habitat corridors	<ul style="list-style-type: none"> • Potentially increases land for residential development. 	<ul style="list-style-type: none"> • Part of the corridor is affected by physical constraints such as flood prone lands, and is undevelopable. • It is highly unlikely 	<p>This option weakens a fundamental premise of the strategy- to achieve a balance between development and the ecological values of the land.</p> <p>Development is unlikely to be permitted on</p>

		<p>that development would be permitted on much of the corridors lands because of its environmental significance.</p> <ul style="list-style-type: none"> • There is sufficient land for future residential development without using this land. • Provides a clear framework for biodiversity offsets related to other development areas. 	<p>environmentally significant land- this option will raise expectations for development which are unlikely to be met.</p> <p>The corridors provide the ability to undertake a substantial expansion of Karuah while maintaining functional habitat and biodiversity links between national parks and other areas of ecological significance.</p>
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The table above indicates that the preferred option for the future development of Karuah should be the expansion of the village by progressively rezoning modified Local Area Plan areas 1, 2 and 3. This option will enable sufficient land to be made available for new development while ensuring the efficient use of infrastructure, and maintaining the areas of environmental value which provide the character and setting of the village. This option will provide market choice and certainty, while providing flexibility for the private sector to stage the release of urban land in response to market demand.

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Growth Options Staging

Figure 10 shows the suggested staging of the release of new urban land in Karuah. The staging plan is based on initially releasing land adjacent to the existing urban area (shown red) and progressively moving outwards. Environmentally significant land is avoided, and a biodiversity corridor will define the medium term western limit of the village (the red dashed line). There is sufficient land to accommodate urban development in Karuah until beyond 2030 at accelerated rates of growth in the identified future urban release areas.

Ultimately, the availability of land for urban development is dictated by the capacity of the sewerage treatment plant, which is provided for a series of staged upgrades. The full development of the proposed land releases in Stages 1, 2 and 3 are anticipated to consume the full capacity of the sewerage treatment plant to the point of requiring a major upgrade (1140 ET). Ultimately it will be the timing of the progressive sewerage treatment upgrades combined with market supply and demand issues that will govern the desired pace of the rezoning and development of land for urban purposes.

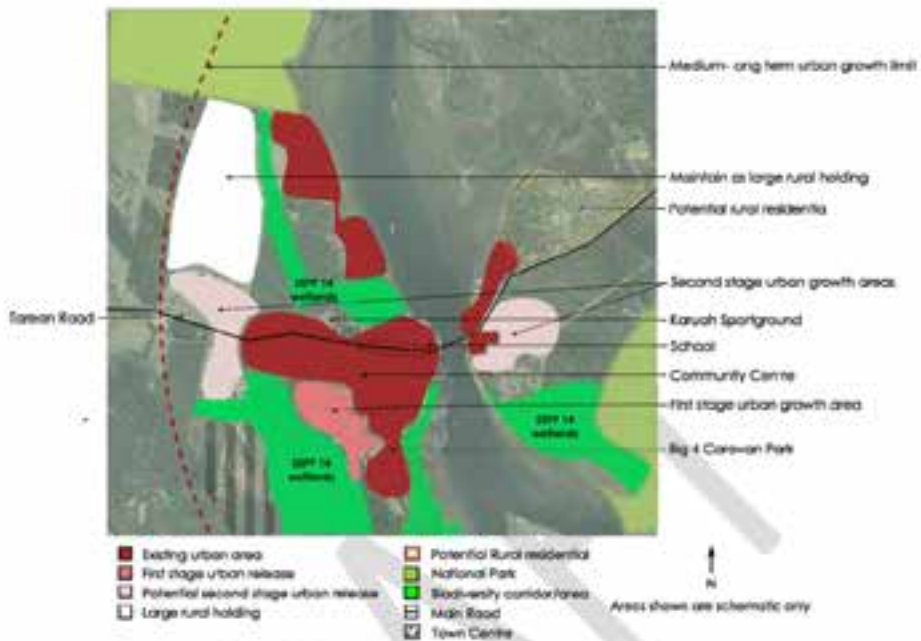
Stage 1 involves the finalisation of Draft Amendment 24 (Wattle and Holdom Road), to the southwest of the existing urban area. This land is in the final stages of the rezoning process. To provide market choice, development should commence soon after the rezoning of the land.

Stage 2 involves land on the eastern side of the Karuah River, and land to the west of the existing urban area on either side of Tarean Road. As previously discussed, rezoning proposals have commenced for parts of Stage 2. These proposals could progress through the rezoning process on the basis that modifications are made to avoid significant vegetation and that the Green Corridor issues are resolved on the northern site (other issues may arise as the rezoning process progresses). It should be noted that the Draft Amendment 27 rezoning proposal (north of Tarean Road) included vegetated land to the east of that proposed in this Growth Strategy.

There is a large area of largely rural cleared land to the northwest of the village. This land should remain as a large rural holding. There is no infrastructure capacity available to support this growth area. In conclusion, land can be released for urban development at Karuah in a logical sequence. However, it is difficult to develop a preferred timing for land release. At current rates of land development, a more conservative approach to land release would be appropriate relative to that proposed in this Growth Strategy. This Growth Strategy has assumed that improvements to the village centre, other area improvements, and improved marketing of Karuah, combined with greater market choice would boost demand to double, or even triple current rates (i.e. to 20-30 lots/dwellings per year). As a result, a more "market driven" approach to new residential is proposed.

It should be noted that as Stage 2 develops there will be an improved knowledge of the demand for land for housing, enabling consultations to be held with service providers such as the Department of Education and Training to ensure service delivery is adequate (e.g. school size and site).

Figure 11: Staging of land release



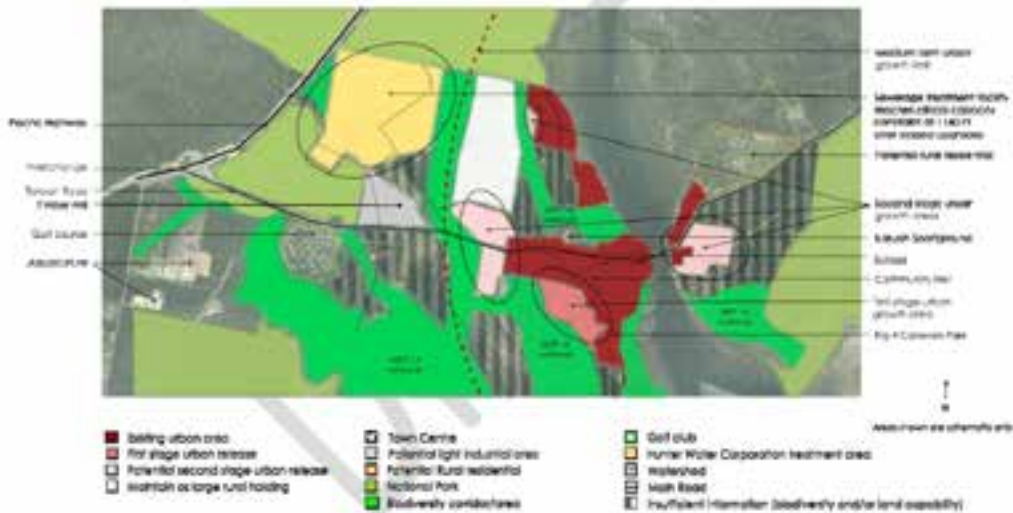
Proposed Growth Strategy – building on the Karuah Local Area Plan

The proposed growth strategy for Karuah is shown in Figure 12. It aims to provide a clear strategy for the future development of Karuah in the context of both local and regional strategic plans.

The main elements of the growth strategy are:

- The spatial extent of Karuah is defined by the national parks and waterways that surround the town.
- A network of conservation areas and habitat corridors provides links between the national parks that surround the town, the wetlands and the river; and define the urban area.
- A staged approach to urban expansion based on progressively extending the existing urban area and reinforcing the existing village centre.
- The areas for urban expansion are located so that they make efficient use of infrastructure, and can be developed in stage in response to market demand.
- An area of rural land for large holdings is retained to the north west of the village. This land should not be developed for smaller rural holdings (rural residential), but rather continue its existing land uses for the foreseeable future. Should this land be required for urban development beyond 2030, this change of land use will not be hampered by fragmented land ownership and more intensive rural development.
- A small light industrial area is suggested to the west of the village, on the land occupied by the timber mill and adjacent land. This will permit small light industrial enterprises to establish and provide services and employment to the residents of Karuah.
- The part area of Karuah east of the river, within Great Lakes Shire, is identified for limited urban development and rural residential development consistent with the Great Lakes Rural Living Strategy. This land will provide greater market choice for new residents and is close to the village centre.
- No urban development, other than the light industrial area, is proposed to the west of a "medium term growth limit". There appears to be no need to provide additional land for urban development east of the "growth limit" for the foreseeable future. In addition, urban expansion beyond the "growth limit" would not be consistent with the strategic objective of maintaining a compact village.
- A greater number of residents in Karuah will provide greater patronage of retail, private and community services and generate greater local employment than at present.
- New developments should explore the potential markets and offer appropriate products; otherwise growth will be very limited. The strategy aims to provide for new urban land in a variety of settings to appeal to a variety of markets.
- The identified conservation areas and corridors provide opportunities for targeted biodiversity offsets which achieve wider conservation objectives.

Figure 12: Draft Karuah Land Use Strategy



Complementing land use strategy with economic and community development

It is critical the urban development strategy be accompanied by economic and community development strategies, including place making and cultural development. The Karuah Strategic Plan Beyond 2008 is intended to build upon and update the Karuah Community and Economic Redevelopment Plan, and was developed by Business Port Stephens in conjunction with the Karuah Working Together Committee and a range of other local stakeholders. It provides the basis for a forward plan to build the village's economic and community capital.

The top identified priorities are:

- Keep Main Street open and uncluttered
- Karuah Town and Business Development Strategy
- A person to promote/co-ordinate tourism and marketing
- Waterfront promotion: boat hire, coffee shop, oyster sheds/industry
- Develop historical points of interest
- Longworth Park redevelopment

Strategies identified within 5 theme areas were:

- Marketing:
 - Upgrade Visual Karuah (e.g. style guide and planning controls): short term
 - Develop festivals and events: short/medium term
 - Develop Karuah attractions: medium term
 - Develop marketing opportunities: medium term
- Tourism:
 - Implement and monitor tourism development activities, e.g. form a working party, target markets, adopt and promote Karuah brand and positioning: short/medium term
 - Develop opportunities for co-operative tourism e.g. information pack for accommodation compendiums, develop the web site, investigate highway billboard: short/medium term
 - Develop the Karuah Product Base e.g. further develop and promote the wetland , opportunities to further develop river parks, aboriginal tourism product: short/medium term
 - Activate market and promote tourism, e.g. build positive local support for tourism, information to selected target areas, external tourism partnerships, interpretive signage: short/medium term
- Infrastructure:

- Improve and maintain local infrastructure, e.g. remove visual clutter and upgrade the Main Street streetscape, improve the entrance to the wetlands, improve community facilities e.g. oval, parks, BMX track, public toilets: short/medium term
- Develop major infrastructure, e.g. link the riverside parks and wetlands to the Main Street, improve the foreshore, underground electricity cables, further develop the playground at Longworth and Memorial Parks: short to long term
- Business Development:
 - Promote business development, e.g. identify gaps in the business mix, fill gaps, develop shop local campaign: short to medium term
 - Develop identified opportunities with local food producers, e.g. co-operative marketing, local growers market: medium term
 - Develop the Karuah Centre with a sustainable plan, create opportunities for business development and jobs growth within the Centre: short to medium term
 - Establish a Business Development Assistance Program e.g. business "can do" culture, business skills development, networking: short to medium term
 - Develop Local Aboriginal Business: short term
- Community Development:
 - Create opportunities for youth, e.g. youth group, employment opportunities, revitalise BMX track, skate park short to medium term
 - Enhance cultural assets, e.g. aboriginal cultural recognition in the Main Street, cultural development and awareness such as local history, cultural events and activities, art and craft opportunities short to medium Term
 - Opportunities for community development, e.g. school's role as a community hub, church involvement with the community, walking school bus, child friendly communities program, integrated school and community activities, community capacity building such as adult computer classes, community forums and gatherings short to medium term
 - Environmental development e.g. further development of the wetlands, increase environmental awareness.

Conclusion and Development Staging

The assessment of opportunities and constraints for Karuah has identified that there is considerable potential to expand the village of Karuah.

A number of areas adjacent to the existing village appear to be suitable for urban development. The assessment of growth options has refined the growth areas identified in the Karuah Local Area Plan, but maintained its basic approach of three growth areas- to the east, west and southwest of the village. One of these sites is in the final stages of rezoning, and at least three others have requested rezoning.

There is spare capacity in the sewer system for 5 years of growth at double current growth rates, and an upgrade is notionally programmed for 2014, which will provide sufficient capacity to cater at least 20 years growth. The system is capable of a further incremental upgrade which would permit the village to grow around triple its current population, after which a major upgrade and/or a solution will be necessary.

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. While this could lead to an excess of land theoretically available for development, the closeness of these sites to the existing village, combined with the staging of subdivision development in response to market demand, means this should not create difficulties. Because of the advanced stage of Area 1 ("Stage 1") in the rezoning process, this is likely to develop before new development in modified Areas 2 and 3 ("Stage 2") in any case.

Where biodiversity offsets may be necessary as a result of the development of these areas, the proposed habitat corridors provide a suitable location for the acquisition of land as a biodiversity offset. Preference for offsets should be directed to these corridors in order to achieve the strategic balanced approach to development described in the preliminary growth strategy.

Population growth will underpin the local business community which in turn will be able to provide an increased range of good and services. The spatial area of the existing 3(a) Business zone is sufficient to meet the needs of the business community for the foreseeable future.

The increased availability of land for housing in a variety of locations around the village should increase the attractiveness of Karuah to new residents. This should increase growth rates above existing levels. However, even if growth rates triple Karuah will remain a relatively small settlement of under 3000 residents at least until 2035.

ATTACHMENT 2

Draft Development Control Plan Chapter Karuah

B99 Karuah

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C99.1 Where this part applies

This DCP applies to land within the area shown edged in a solid black line in Figure 1.



Figure 1: Land application map

C99.2 Background

Karuah is a relatively small village which has suffered adverse economic impacts as a result of the construction of a highway bypass. At the same time, the bypass has improved the amenity of the village by removing large volumes of traffic from the main road that bisects the village. Freed from the busy highway traffic, Karuah now has the opportunity to grow in a way which takes full advantage of its relaxed leafy riverside ambience.

The Karuah locality provisions of the Port Stephens Development Control Plan (DCP) aims to implement the Karuah Growth Strategy by providing development guidelines specific to Karuah, and which supplement the general development guidelines of the DCP.

The Lower Hunter Regional Strategy and Port Stephens Community Settlement Strategy identify potential urban development land to

the south and west of Karuah. In addition, the Mid North Coast Regional Strategy and the Great Lakes Rural Living Strategy identify potential urban development land to the east of Karuah.

Should this potential urban land be zoned from its current non urban zoning, this will lead to a substantial growth of Karuah. However, this growth will not occur rapidly unless there is a dramatic change in the demand for housing in the township.

These locality provisions describe the land for urban expansion, and contain a sequencing plan for their rezoning and development (subject to detailed site investigation and market demand).

C99.3 Objectives

1. Future development should maintain the relaxed "rural" appeal of the village.
2. New development should reinforce the existing village by contributing to a compact and connected settlement pattern.
3. The retail and community services functions of the existing village centre should be reinforced by ensuring these services locate within this "core" area.
4. Population growth should be sufficient to support viable retail and community services which meet local needs.
5. Land supply and housing choice should be adequate to meet potential demand from a range of target markets.
6. Employment opportunities for existing and new residents should be nurtured.
7. The natural assets of the area should be protected.
8. Habitat corridors should link important natural assets.

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9. The future settlement pattern of Karuah should respond to the natural assets of the area
10. Development should avoid natural hazards such as flood prone land, low lying land and bushfire prone land
11. The growth of the village should be co-ordinated with infrastructure capacity and improvements
12. The design of development should aim to minimise ongoing infrastructure costs and optimise development potential, including neighbouring potential development sites.

C99.P7 An area of rural land for large holdings is retained to the north west of the village. This land should not be developed for smaller rural holdings (rural residential), but rather continue its existing land uses for the foreseeable future. Should this land be required for urban development beyond 2030, this change of land use will not be hampered by fragmented land ownership and more intensive rural development. This is shown in Figure 7.

C99.P8 A small light industrial area could potentially be located to the west of the village, on the land occupied by the timber mill and adjacent land. This will permit small light industrial enterprises to establish and provide services and employment to the residents of Karuah. This is shown in Figure 7.

C99.4 Main elements

PRINCIPLES

- C99.P1 New development builds Karuah's character as coastal riverside village.
- C99.P2 The mainstreet character of village centre in Tarean Road is maintained and enhanced.
- C99.P3 Urban expansion is staged and based on progressively extending the existing urban area and reinforcing the existing village centre. This is shown in Figure 6.
- C99.P4 The areas for urban expansion are located so that they make efficient use of infrastructure, and can be developed in stage in response to market demand.
- C99.P5 Potential extensions of Karuah township are identified to the south and to the west of the existing urban area. These are shown in Figure 7.
- C99.P6 A potential extension of Karuah township to east of the river, within Great Lakes Shire, is identified for limited urban development and rural residential development consistent with the Great Lakes Rural Living Strategy. This is shown in Figure 7.

C99.P9 No urban development, other than the light industrial area, should occur to the west of a "medium term growth limit". Urban expansion beyond the "growth limit" would not be consistent with the strategic objective of maintaining a compact village.

C99.P10 New developments should explore the potential markets and offer appropriate products; otherwise growth will be very limited. The locality provisions aim to provide for new urban land in a variety of settings to appeal to a variety of markets.

C99.P11 A network of conservation areas and habitat corridors provides links between the national parks that surround the town, the wetlands and the river; and define the urban area. This is shown in Figure 5.

C99.P12 The identified conservation areas and corridors provide opportunities for targeted biodiversity offsets which achieve wider conservation objectives.

C99.P13 The design of roads and parking infrastructure in the town centre and adjacent open space should provide for ease of access by boating, caravanning and recreational vehicle (RV) users, in

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recognition of those important tourism markets of Karuah.

C99.5 Town Centre

The town centre has two precincts- the primary pedestrian precinct and the secondary commercial area. These precincts are shown in Figure 2.



Figure 2: Commercial Area Precincts

PRIMARY PEDESTRIAN STREET as shown in Figure 2

PRINCIPLES

C99.P14 The primary pedestrian area of the main street shown in Figure 2 is the location of most retail and pedestrian activity.

C99.P15 A greater sense of enclosure of the main street is created by building form.

C99.P16 Footpath tree planting assists in enclosing the main street and creating a pleasant human scale environment.

C99.P17 Buildings overlook and address the street.

DEVELOPMENT CONTROLS

C99.P18 Ground floor uses must be commercial and/or retail, with residential uses or commercial uses on the upper floor.

C99.C1 Car parking must be located at the rear of the building.

C99.C2 Upper floor balconies of residential uses on the upper floor must have a balcony of a minimum of 75% of front facade length.

C99.C3 Buildings must be articulated and have timber and/or masonry external finishes.

C99.C4 Roof sheeting must be metal with a pitch between 15° and 33.5°. A roof pitch of 22.5° is preferred.

C99.C5 Curved roof forms are not permitted.

C99.C6 Timber and masonry parapets are acceptable where facing the principal street frontage.

Secondary Commercial area as shown in Figure 2.

PRINCIPLES

C99.P19 The secondary commercial area of the main street is less intensive than the primary pedestrian area.

C99.P20 Footpath tree planting assists in enclosing the main street and creating a pleasant human scale environment.

C99.C7 Car parking is preferred to be located at the rear of the building; however car parking can be located at front of buildings where a landscaping area of a minimum 2 metres width, with low understorey landscaping (maximum height 600mm) with frequent pedestrian crossings and higher canopy trees, provided at the front property boundary.

C99.C8 Service vehicle access and loading bays must be provided at the side or rear of buildings.

C99.C9 Awnings must be provided at customer entry points.

C99.C10 Entry points to buildings on corner allotments should be provided at that corner.

C99.C11 Entrances must be visible from the street and are expressed as such in the building form and facade.

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C99.C12 Signage is integrated into the facade of the building.

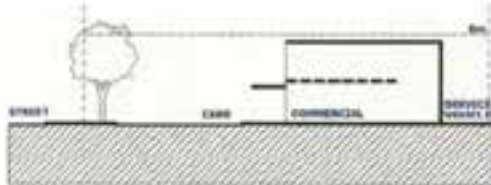


Figure 3: Schematic development concept of setback building option

C99.6 Waterfront Industry

This Section applies to land adjacent to the Karuah River that is occupied by industrial or commercial uses, such as those related to oyster farming, marine repairs and the like.

PRINCIPLES

C99.P21 Marine related waterfront industry, such as oyster farming related industry should remain and retain its rustic appeal, however the attractiveness of outdoor storage areas should be improved.

C99.P22 The access road to the waterfront industry premises to the south of Barclay Street should be formalised.

DEVELOPMENT CONTROLS

C99.C13 Structures must be single storey.

C99.C14 Simple rectilinear forms must be used.

C99.C15 Buildings must be clad in metal and/or timber.

C99.C16 Buildings must be articulated using simple rectilinear stepping and exposed portals and framing.

C99.C17 Roof pitches should be generally less than 10 degrees.

C99.7 Residential

PRINCIPLES

C99.P23 Lower density residential development occurs in areas further away from the town centre.

C99.P24 Development is consistent with the coastal village theme of Karuah.

DEVELOPMENT CONTROLS

C99.C18 Balconies and terraces must face the street for a minimum of 50% of facade length.

C99.C19 Buildings have a physical appearance of 2 storeys in height.

C99.C20 Buildings must have a lightweight "coastal" appearance as depicted in the NSW Coastal Design Guidelines.

C99.C21 Curved roof forms are not encouraged on buildings.

C99.8 Connectivity

PRINCIPLES

C99.P25 It is easy to get around Karuah by motor vehicle, bicycle and foot.

C99.P26 Buses access to enable people to live no more than 400m from a bus stop.

C99.P27 New urban areas are well connected to the existing town.

C99.P28 Walk and cycling is convenient and safe.

C99.P29 Residential streets are low speed.

DEVELOPMENT CONTROLS

C99.C22 The positioning and design of movement networks must give priority to:

- Walking cycling and public transport networks before private motor vehicles.
- Natural topography, such as views and drainage.
- Important destinations and activity centres.

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C99.C23 New subdivisions must contribute towards the development of a town wide pedestrian and cycling network.

C99.C24 New urban areas must have a road network generally consistent with that shown in Figure 4.

C99.C25 Subdivisions must be designed to achieve connectivity internal and external to the subdivision, and no dead end streets (unless unavoidable).

C99.C26 Where possible, new urban areas must have at least one, and preferably multiple connections, to the existing township.

C99.C27 Off road shared pedestrian cycle paths should be generally developed as shown in Figure 4 (dotted black line).

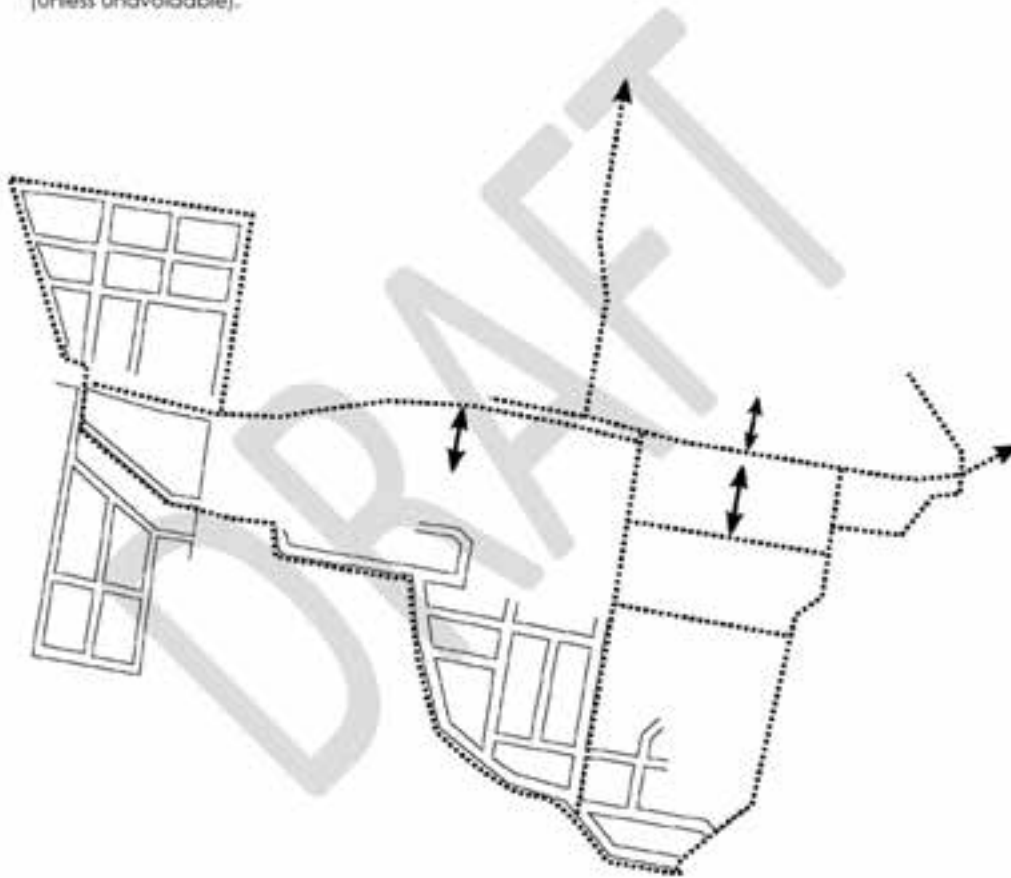


Figure 4: Connectivity Priorities

Showing:

- Conceptual new road layout
- Potential in-block connections (arrows)
- Off road shared pedestrian cycleways (dashed line)

Note: this is a schematic map and locations are indicative only

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B99 Karuah

C99.9 Biodiversity

PRINCIPLES

C99.P30 Development in Karuah complements its natural assets.

C99.P31 A network of biodiversity corridors links larger areas of wetlands, national park and other areas of biodiversity significance.

C99.P32 The water quality of the wetlands, creek and rivers is not reduced by urban runoff.

DEVELOPMENT CONTROLS

C99.C28 Development which reduces the biodiversity value of the national park, SEPP 14 wetlands or biodiversity corridors shown in Figure 5 will not receive consent.

C99.C29 Development biodiversity offsets should be directed towards protecting and securing the areas of biodiversity significance not within a national park, nature reserve or similar levels of environmental protection.

C99.C30 Water management of urban areas must maintain, and preferably improve the quality of runoff into receiving waters, such as SEPP 14 wetlands, creeks and the river.

C99.C31 Tree planting and landscaping within Karuah should complement the surrounding natural area.

C99.C32 Subdivision layout and building envelopes must be designed to ensure that no development or ancillary structures will occur within a 100 metre buffer area to SEPP 14 wetlands, Endangered Ecological Communities, Preferred Koala Habitat, biodiversity corridors, national park or other areas of biodiversity significance.

C99.C33 Areas shown in Figure 5 as having "insufficient information (biodiversity or land capability)" must be treated as if they are of high biodiversity significance unless studies demonstrate they are of lesser significance and propose a suitable environmental management regime, to the satisfaction of the consent authority.

Note: these areas are generally within the "green corridor" of the Lower Hunter Regional Strategy".

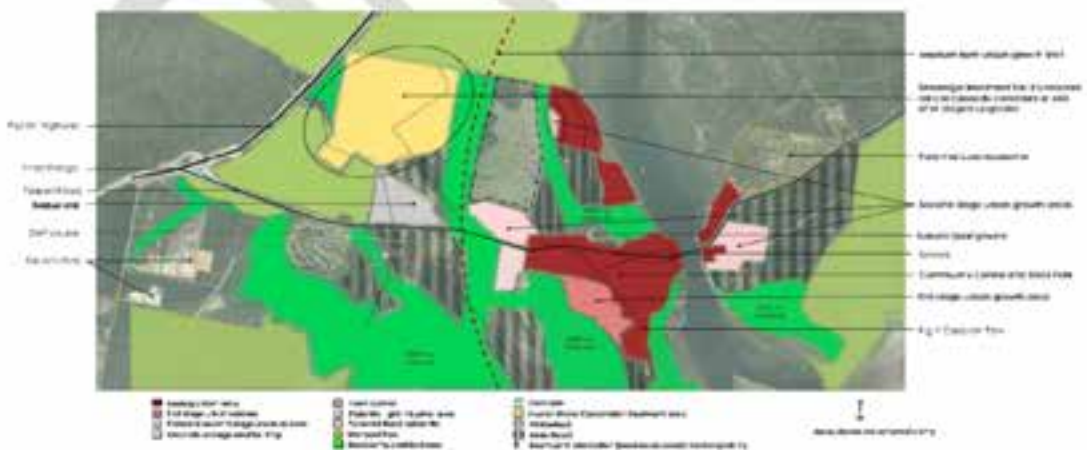


Figure 5: Areas of biodiversity significance

B99 Karuah

C99.10 Staging of Land Release

PRINCIPLES

- C99.P33 New urban land is an extension of the existing urban area.
- C99.P34 There is sufficient vacant land zoned for urban purposes to meet community needs.
- C99.P35 Land is rezoned for urban purposes in a staged manner in order to ensure the efficient use of community infrastructure.
- C99.P36 The growth of Karuah is able to be adequately serviced by urban infrastructure, such as water and sewerage services.

DEVELOPMENT CONTROLS

- C99.C34 Land must be rezoned consistent with the staging shown in Figure 6.
- C99.C35 Land which is not immediately adjacent to the existing urban area will not be considered for rezoning for residential uses.
- C99.C36 Land for potential urban development in Figure 6 must not be considered for rural residential or large lot "lifestyle" subdivision unless environmental studies demonstrate that higher residential densities are an undesirable use of the land.
- C99.C37 Land should not be developed for urban purposes unless adequate pedestrian and cycle links are provided to the existing urban area as part of the initial development of that land.

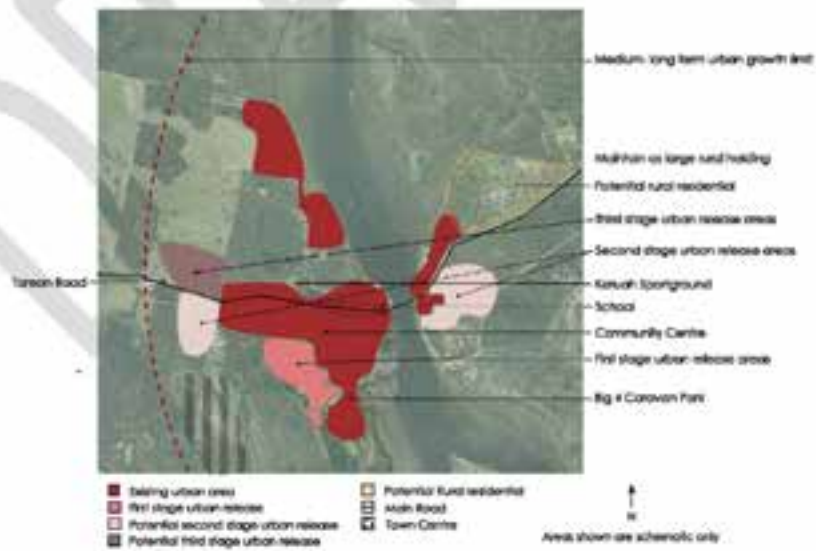


Figure 6: Staging plan

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ITEM NO. 3**FILE NO: PSC2005-2861****RAYMOND TERRACE FLOOD STUDY****REPORT OF: BRUCE PETERSON – ENVIRONMENTAL AND DEVELOPMENT PLANNING,
MANAGER****GROUP: SUSTAINABLE PLANNING****RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the draft Raymond Terrace Flood Study (BMT WBM 2010) on public exhibition for a period of a minimum 28 days (35 days if the Christmas New Year period falls within the exhibition period) and accept public submissions on the document.

COUNCIL COMMITTEE MEETING – 15 MARCH 2011**RECOMMENDATION:**

	Councillor John Nell Councillor Peter Kafer	That Council place the draft Raymond Terrace Flood Study (BMT WBM 2010) on public exhibition for a period of a minimum 35 days and accept public submissions on the document.
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In accordance with Section 375A of the Local Government Act 1993, a division is required for this item.

Those for the motion: Crs Glenys Francis, Bob Westbury, Geoff Dingle, Frank Ward, Peter Kafer, John Nell, Shirley O'Brien and Sally Dover.

Those against the motion: Nil.

ORDINARY COUNCIL MEETING – 25 MARCH 2011

094	Councillor John Nell Councillor Shirley O'Brien	It was resolved that the Council Committee recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien John Nell, Sally Dover and Bob Westbury.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council's approval to place the draft Raymond Terrace Flood Study (BMT WBM 2010) on public exhibition and seek comment from the community on the document.

As part of the floodplain management process for the Williams River being managed by Council, BMT WBM have been engaged to undertake a flood study of the local Raymond Terrace catchments draining to the Williams River. This study focuses on the flooding impacts associated with local catchment flooding up to the point when the Williams River flood levy is overtopped.

BMT WBM have now completed the flood study and prepared a draft report. This draft report has been reviewed by both Council officers and the Department of Environment, Climate Change and Water and deemed suitable for public exhibition. The purpose of the public exhibition is to provide the community with an opportunity to review and make formal submissions on the document before it is adopted by Council.

It is recommended that the document be exhibited for a minimum 28 days however as it is likely this exhibition period will include the Christmas New Year period the exhibition period should be extended by a further 7 days to 35 days.

FINANCIAL/RESOURCE IMPLICATIONS

The Flood Study has been partly funded by the state governments Floodplain Management Grants Program with Council's contribution being only one third. This study was funded within the 2009/2010 program and Council has already received the grant funding for the project. Public exhibition costs are already covered within the project budget.

LEGAL, POLICY AND RISK IMPLICATIONS

The state governments Floodplain Development Manual recommends public participation and community consultation within the floodplain management process and the public exhibition of this document is considered recommended practice.

The Raymond Terrace Flood Study is one of a number of background studies currently being undertaken which will inform the draft Raymond Terrace / Heatherbrae Growth Strategy. A traffic and carparking study has also commenced and is due for completion at the end of June 2011.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The flood study being part of the floodplain management process seeks to help Council and the state government manage and minimise impacts of future flooding events. In this respect it is expected that a more informed knowledge of the flood risk will result in a reduction in flood losses in future flood events and minimise the social and economic impacts of these events.

CONSULTATION

Consultation with the Department of Environment, Climate Change & Water has occurred.

OPTIONS

Nil.

ATTACHMENTS

- 1) Draft Raymond Terrace Flood Study (BMT WBM 2010) – Under Separate Cover.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ATTACHMENT 1
PROVIDED UNDER SEPARATE COVER**

ITEM NO. 4

FILE NO: PSC2008-9159

MOTORCYCLE NOISE AT 4556 NELSON BAY ROAD ANNA BAY

REPORT OF: KEN SOLMAN - DEVELOPMENT ASSESSMENT AND ENVIRONMENTAL HEALTH, ACTING MANAGER

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) The report be received and noted.
-

COUNCIL COMMITTEE MEETING – 15 MARCH 2011

RECOMMENDATION:

	Councillor John Nell Councillor Shirley O'Brien	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 25 MARCH 2011

095	Councillor Bruce MacKenzie Councillor Ken Jordan	It was resolved that Item 4 be deferred and request the General Manager to investigate the matter.
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Cr John Nell recorded his vote against the resolution.

BACKGROUND

Council at its meeting of 8th February 2011 resolved (Resolution 19) "that Council be provided with a full report and all correspondence in regard to this matter". This is in relation to motorcycle noise at 4556 Nelson Bay Road Anna Bay.

On 21st December 2010, a Prevention Notice was served on the owner of 4556 Nelson Bay Road, Anna Bay under Section 96 of the Protection of the Environment Operations Act. The Notice required the owner of the property to take the following Preventative action –

- *Not to cause, permit or allow the operation of motorcycles or similar recreational vehicles on the property known as 4556 Nelson Bay Road Anna Bay for a period in excess of one (1) hour per day,*

- *Not to cause, permit or allow Motorbikes or similar recreational vehicles to be operated on the property between the hours of 5pm and 9am.*
- *Not to cause, permit or allow the one (1) hour period referred to in 1. above to be utilised in more than two (2) sessions during any day ie for the purposes of 1. above, the one hour period may be used at one time or during two (2) sessions which added together do not exceed 1 hour, but not more than two sessions.*
- *Not to cause, permit or allow the operation of motorcycles or similar recreational vehicles on the property known as 4556 Nelson Bay Road Anna Bay with an engine capacity exceeding 200cc.*
- *Not to cause, permit or allow the operation of more than two (2) motorcycles or similar recreational vehicles on the property known as 4556 Nelson Bay Road Anna Bay at any one time.*

Why was the Prevention Notice served?

The Prevention Notice was served having regard to regular complaints about offensive noise from one neighbour which commenced in 2006. Council officers have attended the site and assessed the noise as offensive by definition under the POEO Act and many attempts have been made to address the offensive noise issue. Noise abatement directions were served on the owner on 19/11/09, 13/04/10, 20/07/10 and have been effective in controlling the noise however these notices only remain in force for 28 days and effectively prohibit all offensive noise from subject property.

In late 2010, after Councillors visited the site and further discussions were held by staff with the complainant and the property owner, it was considered that the best approach to resolve the issue would be for conditions to be set which would enable the riding of motorbikes by the owners' family whilst recognising the neighbours right to a quiet environment.

Approaches had been made to the owner (see correspondence 10/12/09, 13/04/10, 03/06/10, 11/06/10) requesting her to indicate a strategy that included defined times when bikes would be ridden. The intent of this was to enable a compromise where motorbikes could be ridden reasonably on the property under conditions known to the complainant. These conditions would recognise the complainant's reasonable right to peace and quiet.

The owners reply to this was received on 13/8/10 and it was not co-operative. Further complaints were received towards the end of 2010 and the Prevention Notice in its current form was prepared.

Time Limits of the Notice

The stipulation of one hour's riding time is not prescribed in legislation. Authorised Officers may stipulate conditions based on merits to resolve offensive noise matters. The issuing officer has stipulated this time period in Notices in a number of similar instances in Port Stephens and it has been effective in appeasing the intentions of all

parties. Experience has shown that children will not routinely ride motorbikes in a defined area for periods exceeding 20- 30 minutes. The owner has continually claimed that it is only her grandchildren that ride on the property on small trail bikes and Council officers have not objected to this.

From a complainant's viewpoint, if they are assured that noise will only occur for a period of one hour, it is usually considered reasonable. This is conditional on the one hours riding time not consisting of many small periods throughout the day eg 12 x 5 minute periods, as this effectively represents a noise intrusion for a large portion of the day.

Why stipulate engine capacity?

The complainants regularly refer to "larger" bikes being brought to the property as the ones that cause the offensive noise issues. Conversely, the owner has advised that her grandchildren are the only riders and their bikes are smaller than 200cc, hence this requirement of the Notice is not considered to be onerous.

Why stipulate numbers of bikes permitted?

There have been allegations that the track is used by many riders who visit the property from elsewhere. The owner has recently advised that the track is only used for training by her grandchildren. Whilst complainants do not have issue with the smaller bikes, there is a cumulative noise effect from multiple bikes riding together so it was deemed necessary to restrict bike numbers.

FINANCIAL/RESOURCE IMPLICATIONS

The investigation of complaints in this matter date back to 2006 and have included responses to noise complaints and also development compliance issues. Staff resources expended on the matter have been considerable however the Noise pollution complaints continue.

In the past, the service of Noise Control related Notices has been effective in resolving the situation for the time periods applicable under the Notices. The Notices are considered to be an appropriate response with negligible impacts on resources in respect to the need for noise monitoring and after hours responses.

Staff resources would be required to gather evidence in relation to breaches of notices if enforcement action was required however this has not been deemed necessary to date.

LEGAL, POLICY AND RISK IMPLICATIONS

The following points are pertinent to action taken in this matter –

- Council has received complaints regarding offensive noise from the riding of motorbikes on this property since 2006.
- Authorised officers of the Council have responded to complaints and assessed the noise as offensive under the definition provided in the POEO Act.

- Council, and its authorised officers have a duty of care to reasonably address complaints received.
- Action has been taken by way of the service of noise abatement notices (3), and a Prevention Notice. The Prevention Notice addresses the rights of the property owner and the complainant.
- Council's authorised officers have delegated authority to take enforcement action under the Protection of the Environment Operations Act, and may issue Penalty Notices or commence legal proceedings should the Prevention Notice not be complied with.
- The action taken to date has been in accordance with Councils Compliance Policy as well as the NSW Ombudsman's Enforcement Action guidelines.
- Complainants in this matter have the option of taking their own action under Section 268 of the Protection of the Environment Operations Act and they have been duly informed of this and have at one stage commenced these proceedings. Having regard to the history of the site however, where Council considered a development application for a motor sport facility and refused such application, it is considered that Council should approach the matter with a reasonable duty of care to address ongoing noise impacts from the use of motorbikes on the property.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Action to date has focused on achieving an environmentally sustainable outcome whereby motorbikes may be used on the property whilst respecting the rights of neighbours to a reasonable environment.

CONSULTATION

Council staff – Co-ordinator Environmental Health and Regulation, Compliance Officer, Manager Environmental and Development Planning, Group Manager Sustainable Planning, Executive Planner.

Property owner and family members

Complainants

OPTIONS

Receive and note.

ATTACHMENTS

- 1) Summary of Correspondence received.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Hard copies of correspondence provided to Councillors under confidential cover.

ATTACHMENT 1

Summary of Correspondence in chronological order

Please note that having regard to the bulk of this correspondence, copies will be provided to Councillors under separate cover.

Date	Type	Content
14/07/06	letter	Informing of first noise complaint
3/08/06	letter	Notification of alleged illegal development
24/10/06	File note	Complaint from complainant
27/10/06	letter	Requesting time for a site inspection
27/10/06	letter	Advice regarding complaint
13/11/06	letter	Request for DA lodgement
2/01/07	letter	Further request for DA lodgement
10/01/07	Fax	Confirmation that DA will be lodged
30/10/08	Letter	Noise abatement direction to visitor to property
30/10/08	Letter	Noise abatement direction to visitor to property
11/11/08	Letter	Request Council to enforce EP&A Act and POEO Act responsibilities on behalf of complainant
2/12/08	Letter	Complaint against Council Officer
3/12/08	Letter	Request for intentions to remove fill
3/12/08	email	Advice regarding development compliance
9/12/08	letter	Response to complaint about Council Officer
13/03/09	Fax	Response to request to remove fill
17/09/09	Letter	Notice of intention to serve Order to remove fill
18/09/09	email	Advice from Ombudsman
21/09/09	email	Ombudsman's advice
24/09/09	fax	Response to proposed Order
13/11/09	email	Report of noise assessment of 13/11/09
19/11/09	letter	Noise abatement direction and covering letter
23/11/09	email	Report of offensive noise
10/12/09	letter	Follow letter after site inspection and discussion on 19/11/09
13/04/10	letter	Noise Abatement Direction and covering letter
03/05/10	Letter	Complaint about Council Officer and noise abatement direction
3/06/10	Letter	Response to letter of 3/5/10- Council Officer
11/06/10	Letter	Further response re letter of 03/05/10- Council Officer
05/07/10	File note	Note re phone conversations with complainant and property owner
20/07/10	Letter	Noise Abatement Direction
28/07/10	email	Request for copies of noise abatement directions to respond to complaint from complainant
13/08/10	letter	Response to request for strategy to minimise noise
13/08/10	email	Request for review of property owners letter of 13/08/10
13/08/10	email	Request that Council Officer postpone service of Noise notice
13/08/10	email	Advice re Noise abatement notice

MINUTES FOR ORDINARY MEETING - 25 MARCH 2011

16/08/10	email	Response to email 13/08/10
09/09/10	letter	Information re complaint and request for inspection
17/09/10	email	Requesting action over illegal fill
23/09/10	email	Explanation of action to date
24/09/10	email	Request for response to concerns
24/09/10	letter	Clarification of Councils action
24/09/10	email	Advice that Council Officer would do a noise assessment
10/10/10	email	Advice re attendance at Property on 9/10/10
11/10/10	email	Advice re attendance by Council Officer on 8/10/10
13/12/10	File Note	Phone conversation with complainant re noise
21/12/10	Notice	Prevention Notice under POEO Act
04/01/11	email	Advice re breaches of Prevention Notice
04/01/11	email	Further advice re breaches of Prevention Notice
06/01/11	email	Advice re breaches of Prevention Notice
07/01/11	Letter	Advising that breaches of Notice had been reported
07/01/11	File Note	Phone discussion with Cr MacKenzie regarding Prevention Notice
13/01/11	email	Advice of phone call from property owner lodging complaint about Council Officer
18/01/11	email	Background information re complaint

ITEM NO. 5

FILE NO: PSC2006-1939

RAYMOND TERRACE SPORTS FIELD MASTER PLAN

REPORT OF: CARMEL FOSTER – COMMERCIAL PROPERTY, MANAGER
GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Master Plan for the Raymond Terrace CBD.

COUNCIL COMMITTEE MEETING – 15 MARCH 2011

RECOMMENDATION:

	<p>Councillor Peter Kafer Councillor Geoff Dingle</p>	<p>That Council:</p> <ul style="list-style-type: none"> 1) Defer Item 8 to the next Council Committee meeting. 2) Note the information provided by the Raymond Terrace Business Association. 3) Invite the Raymond Terrace Business Association to meet with Councillors.
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ORDINARY COUNCIL MEETING – 25 MARCH 2011

<p>096</p>	<p>Councillor Bruce MacKenzie Councillor Sally Dover</p>	<p>It was resolved that the Council Committee recommendation be adopted.</p>
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BACKGROUND

The purpose of this report is to submit the Master Plan for the former Raymond Terrace Sports fields (RTSF) to Council for adoption.

In 2005 approximately 6.8 hectares of land located to the north of the Council Administration Building and Council Chambers was rezoned and reclassified to 3(a) General Business in response to economic studies indicating that Raymond Terrace was underserved in respect to overall retail space and supermarket competition.

A "Call for Detailed Proposal" to redevelop the site commenced in August 2006 and thirteen proposals were received. Council entered discussions with 3 preferred

respondents and a Heads of Agreement for lease was entered into with the preferred respondent in April 2007.

The financier of the project withdrew in late 2008 due to the Global Financial Crises, the Project Group tried unsuccessfully to source alternate funding therefore Council resolved on the 24th February 2009 to terminate the agreement for lease.

At Council's 15th December 2009 Ordinary Meeting Council resolved to Authorise the Mayor and the General Manager to initiate a procurement process to facilitate the development of the Raymond Terrace Sports fields
Authorise the Councillors and the General Manager to identify and inspect innovative and sustainable retail/commercial developments.

Council appointed APP Corporation to as Project Manager of the process.

An initial Expression of Interest was advertised in March/April 2010 with Council receiving 24 submissions. A Project Control Group comprising The Mayor and Deputy Mayor, Commercial Services Group Manager, Commercial Property Manager, Commercial Property Development Coordinator, and APP Corporation interviewed the respondents to develop a short list to progress to the next stage.

The shortlist comprises:

Watpac Property
Charter Hall
Grocon Property Group
Lend Lease
Alba Capital.

Councillors and Council staff inspected three retail developments, Springfield "Orion" Town Centre Ipswich "Rouse Hill Town Centre" Western Sydney and the "Village Centre" Batemans Bay. All developments displayed aspects of environmental, energy saving initiatives and design features that could be incorporated into Council's retail/commercial development.

Suters Architects were appointed in September 2010 to undertake the development of a Master Plan. Workshops were organised with the Councillors, Council Planning and Social Planning Staff, Council technical staff, the Community and the Raymond Terrace Business Community.

An economic assessment has been prepared by experienced retail/development Consultant Bob Hawes, ADWJohnson. The Economic Assessment identified the Primary, Secondary and Tertiary Trade Areas and measured the capability and capacity for retail development of Raymond Terrace. The Assessment identified that the LGA population is forecast to increase by 46% from 2006-2031 and household growth of 51.8% for the same period. This has a significant effect on the capacity of the Primary Trade Area. The growth estimates for the Secondary Trade Area and Tertiary Trade Area are more conservative. The economic assessment concluded that "Raymond Terrace clearly sits in the context of a significant trade area with an

enormous capacity to generate retail expenditure. However, Raymond Terrace is punching below its weight in terms of trade capture. It is lacking particular forms of retail services found in other locations and centres in the Lower Hunter".

The report indicated that a development of 20,000sqm staged in delivery and commencing 3-4 years from now would have a significant opportunity to provide support for Raymond Terrace and facilitate the attraction and inclusion of traders not currently present in the town or trade area.

The Master Plan document outlines a development footprint of 35,000sqm which is 15,000sqm in excess of the 20,000sqm outlined in the report however there is the potential to include residential (medium density) that could absorb the residual area. The Master Plan is consistent with Council current Development Control Plan and additionally identifies open space, public domain, connections to William Street and other nodes of Raymond Terrace, identifies an area for a library and streetscape. The extension of Sturgeon and Bourke Streets provide development quadrants making the potential staging of the development easier to manage. The intent of the Master Plan document is to provide guiding principles and a flexible framework to assist potential developers when they are preparing their design documentation. Council's "Call for Detailed Proposals" documentation calls for an A3 Concept Plan to be provided as part of their submission. It is likely that Council will Publically Exhibit the shortlisted proposals.

The Business Association have been provided with a copy of the Master Plan and the Economic Assessment and were given a two week period to respond to Council with comments/feedback. No responses were received.

FINANCIAL/RESOURCE IMPLICATIONS

Council's Property Reserve is financing the research, economic assessment and Master Plan. All other development costs will be financed by the selected Developer. The financial returns will be analysed by the Commercial Services Group Manager, Financial Services Manager, Commercial Property Manager, Commercial Property Development Coordinator and APP Corporation. The analysis results and recommendation will be submitted to Council for review and approval.

LEGAL, POLICY AND RISK IMPLICATIONS

Council will be required to enter into a legal agreement with the preferred proponent. The format of the agreement will not be determined until analysis of the financial models and the Call for Detailed Proposals submitted is completed.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council is committed to ensuring the development of the former sports fields has minimal impact on the existing businesses in Raymond Terrace in particular the main strip businesses (William Street). The Economic Assessment enables informed decisions to be made in the timing/staging of the development so that the trade area can mature sufficiently to absorb the retail development and recover. The

Economic Analysis highlighted that there are currently deficiencies in services and commercial offerings in the Raymond Terrace CBD. This was exacerbated by the closure of Bi-Lo.

Additionally the Commercial Property Section instructed Suters to have regard to the connectivity of the proposed development to the existing retail/commercial nodes within the Raymond Terrace CBD.

CONSULTATION

Councillors
General Manager
Suters Architects
APP Corporation
ADWJohnson
Group Manager Commercial Services
Integrated Planning staff
Social Planning staff
Civil Assets staff
Community and Recreation staff
Principle Property Advisor
Commercial Property Development Coordinator
Raymond Terrace Business Community
Port Stephens's Council residents and ratepayers

OPTIONS

- 1) Adopt the Master Plan.
- 2) Reject the Master Plan.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Economic Assessment
- 2) Master Plan

ITEM NO. 6

FILE NO: PSC2005-01244

LOCAL GOVERNMENT MANAGERS AUSTRALIA (LGMA) – NATIONAL CONGRESS & BUSINESS EXPO

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
 GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate delegates to attend the Local Government Managers Australia National Congress & Business Expo.

COUNCIL COMMITTEE MEETING – 15 MARCH 2011
RECOMMENDATION:

	Councillor John Nell Councillor Sally Dover	That item 9 be deferred to the Ordinary Council meeting.
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ORDINARY COUNCIL MEETING – 25 MARCH 2011

097	Councillor Bruce MacKenzie Councillor Shirley O'Brien	It was resolved that Councillors Ken Jordan and Bruce MacKenzie be nominated as delegates to attend the Local Government Managers Australia National Congress & Business Expo.
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BACKGROUND

The purpose of this report is to inform Council of the Local Government Managers Australia National Congress & Business Expo to be held in Cairns.

The 2011 Local Government Managers Australia National Congress & Business Expo, theme will be "*Best Practice to Next Practice*".

The Congress will be held at the Cairns Convention Centre from 22 – 25 May 2011.

The Congress will explore how local government leaders in Australia have developed innovative and cutting edge solutions to some of the sector's most pressing issues whilst navigating restraint in their communities.

As Councillors would be aware the new Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Councils area.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation would be covered from the budget.

LEGAL, POLICY AND RISK IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Councillors attending the congress to ensure Councillors are across the developments in the local government industry.

CONSULTATION

Nil.

OPTIONS

Nil.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 15 March, 2011.

No:	Report Title	Page:
1	PETITION – MASONITE ROAD, TOMAGO	

COUNCIL COMMITTEE MEETING – 15 MARCH 2011
RECOMMENDATION:

	Councillor Bob Westbury Councillor Peter Kafer	That the matter be deferred to the Local Traffic Committee.
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ORDINARY COUNCIL MEETING – 25 MARCH 2011

098	Councillor Ken Jordan Councillor Bruce MacKenzie	It was resolved that the Council Committee recommendation be adopted.
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INFORMATION ITEM NO. 1

PETITION - MASONITE ROAD, TOMAGO

REPORT OF: PETER GESLING – GENERAL MANAGER
GROUP: GENERAL MANAGERS OFFICE

FILE: PSC2011-00642

BACKGROUND

The purpose of this report is to advise Council of a petition with 11 signatures received from the residents of Masonite Road, Tomago.

ATTACHMENTS

- 1) Letter of submission.
- 2) Petition without signatory pages.

ATTACHMENT 1

RESIDENT PETITION

Attention: General Manager Port Stephens Shire Council EB 2011

We the residents of Masonite Road Tomago, request that Port Stephens Shire Council address the noise problems that are arising from the increased traffic, particularly the large trucks, which continually cause pot holes and road surface damage on our road.

We refer, in particular, to the section of road in the 80km zone, where several residents reside. From around 5.30am, the constant banging and shaking of the trucks hitting uneven road surfaces is absolutely unfair and annoying. They are in convoy at times and our houses shudder. It also concerns us that very few vehicles adhere to the 80km speed limit in front of the houses. Drivers are often guilty of speeding and overtaking in this zone.

Our road is a main arterial road and when previous complaints have been made to Council by some of our residents, we have been informed that it is checked weekly and no problems can be seen.

We have also been informed that these trucks are too heavy for this road and should be using the highway. It is interesting to note that the use of the road by huge trucks has increased threefold.

There have been a few occasions when large rocks have bounced off the trucks presenting dangerous situations. A couple of months ago a truck carrying rainwater tanks, lost its load outside of 80 Masonite Road because the truck hit the concave surface out the front and its cargo bounced off the truck.

Thank you for your consideration. We await your reply.

The residents of Masonite Road Tomago.

21-2-11

PORT STEPHENS COUNCIL

File No. _____
Action by _____

PORT STEPHENS COUNCIL

22 FEB 2011

File No. _____
Action by _____
Date of _____

ATTACHMENT 2

PETITION

NAME	ADDRESS	SIGNATURE	COMMENT

GENERAL MANAGER'S REPORT

PETER GESLING
GENERAL MANAGER

ITEM NO. 1

FILE NO: 16-2009-875-1

**DEVELOPMENT APPLICATION FOR URBAN HOUSING (9 DWELLINGS)
AND 9 LOT SUBDIVISION AT NO. 2 AND 2A TANILBA ROAD
MALLABULA**

**REPORT OF: KEN SOLMAN ACTING MANAGER DEVELOPMENT ASSESSMENT AND
ENVIRONMENTAL REGULATION**

GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2009-875-1 for the following reasons.
- The development application has failed to receive a Bushfire Safety Authority under the provisions of Section 100B of the Rural Fires Act 1997.
 - The applicant does not have owners consent for the use of the adjoining land as an Asset Protection Zone as required by Planning for Bushfire Protection 2006.
 - The development is inconsistent with the requirements of Development Control Plan 2007.

COUNCIL COMMITTEE MEETING – 1 FEBRUARY 2011

RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Bob Westbury	That Item 2 be deferred to allow for a site inspection by Councillors.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Caroline De Lyall, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Sally Dover and Ken Jordan.

Those against the Motion: Cr Glenys Francis.

Cr Glenys Francis abstained from voting.

MINUTES FOR ORDINARY MEETING - 25 MARCH 2011**ORDINARY COUNCIL MEETING – 8 FEBRUARY 2011**

004	Councillor Bruce MacKenzie Councillor Ken Jordan	It was resolved that the Council Committee recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Glenys Francis, Bob Westbury, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Sally Dover and Ken Jordan.

Those against the Motion: Nil.

The site inspection for Councillors was held on the 23 February 2011

ORDINARY COUNCIL MEETING – 25 MARCH 2011

099	Councillor Bruce MacKenzie Councillor Steve Tucker	It was resolved that Council: 1) Request the applicant to provide an amended plan allowing 7 dwellings on the subject land. 2) That a report be provided on the rationale for the unavailability of the existing APZ on public land.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Ken Jordan, Bruce MacKenzie, Steve Tucker, Shirley O'Brien John Nell, Sally Dover and Bob Westbury.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a development application to Council for determination at the request of Cr MacKenzie who has been approached by a concerned ratepayer.

The application is for a nine (9) dwelling - urban housing development and 9 lot strata subdivision, pursuant to Clauses 16 and 19 of the Port Stephens Local Environmental Plan 2000 (LEP).

The subject site has frontage to Tanilba Road and proposes direct access to Fairlands Road. To the rear of the site is an area of vegetated Council reserve.

The site is zoned 2(a) – Residential, which is described in the LEP. Urban housing and subsequent subdivision of the allotment is permissible with consent as specified in clauses 16 and 19 of the LEP.

The key issues associated with this proposal are as follows:-

- The proposal is an overdevelopment of a significantly constrained site.
- Reliance on an Asset Protection Zone on adjoining property - Council reserve
- No Bushfire Safety Authority granted from NSW Rural Fire Service
- No owners consent to include Council Reserve in the application.
- The site is flood prone land
- The site is bushfire prone land
- The site is nominated as preferred koala habitat
- Insufficient information was submitted to enable an adequate assessment
- Council received sixteen (16) submissions objecting to the proposal. The main concerns were traffic and parking, drainage, density, koalas and bushfire.

An assessment of these issues is provided within the Attachments.

It is recommended that this application be refused as the proposal is an integrated development and has not received a Bushfire Safety Authority from the NSW Rural Fire Service. The development relies on the use of the adjacent Council reserve for the purposes of the provision of an asset protection zone. However, Council's Facilities and Services Section has not provided owners consent for the inclusion of this land in the development application. It has also been stated that Council will not support the management regimes to the prescription of an Asset Protection Zone for medium density housing within the Council reserve.

There is an existing Asset Protection Zone on the Council reserve however this is managed under the provisions of Section 63 of the Rural Fires Act to reduce the threat of fire escaping from the land. The Asset Protection Zone is not managed to a level required under Section 100B of the Rural Fires Act for the protection of dwellings or medium density housing.

The NSW Rural Fire Service has stated:

"Information submitted by council indicates that the Council would not support management regimes to the prescription of an asset protection zone within the reserve adjoining the site.

The applicant is requested to submit further details demonstrating how proposed building footprints and appropriate asset protection zones required by 'Planning for Bushfire Protection 2006' can be achieved within the proposed subdivision".

Given that the application is Integrated Development under the provisions of the Environmental Planning & Assessment Act 1979 and Section 100B of the Rural Fires Act 1997 and no Bushfire Safety Authority has been granted, and the applicant does not have the owners consent of Council to include the adjoining Council reserve in the application, Council can not legally determine the application by way of approval.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Given that the application is Integrated Development under the provisions of the Environmental Planning and Assessment Act 1979 and Section 100B of the Rural Fires Act 2000 and no Bushfire Safety Authority has been granted, and the applicant does not have the owners consent of Council to include the adjoining Council reserve in the application, Council can not legally determine the application by way of approval.

Further, the development application is also inconsistent with Council's Policy in that there are multiple departures from the requirements of Development Control Plan 2007.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development has not been able to provide Asset Protection Zones on the subject property and as a result has not received a Bushfire Safety Authority. The development in its current state represents a threat to life in terms of Bushfire Threat.

The development will generate minor short term economic activity in the locality associated with residential construction.

The proposal is not considered to pose any significant environmental implications.

CONSULTATION

The application was exhibited in accordance with Council policy and sixteen (16) submissions were received in opposition to the proposal. These are discussed in the Attachments.

An integrated referral was made to the NSW Rural Fire Service under the provisions of Section 100B of the Rural Fires Act.

The current development application has been assessed on its merits with due regard to comments from Council's Flooding Engineer, Building Surveyor, Development Engineer, Engineering Services Manager and Recreation Services Manager.

OPTIONS

- 1) Adopt the recommendation.
- 2) Defer the determination to allow the applicant to seek owners consent from Council.
- 3) Defer the determination to allow the applicant to redesign the proposal so as to accommodate the required Asset Protection Zones within the subject site boundaries.

ATTACHMENTS

- 1) Locality Plan
- 2) Assessment

COUNCILLORS ROOM

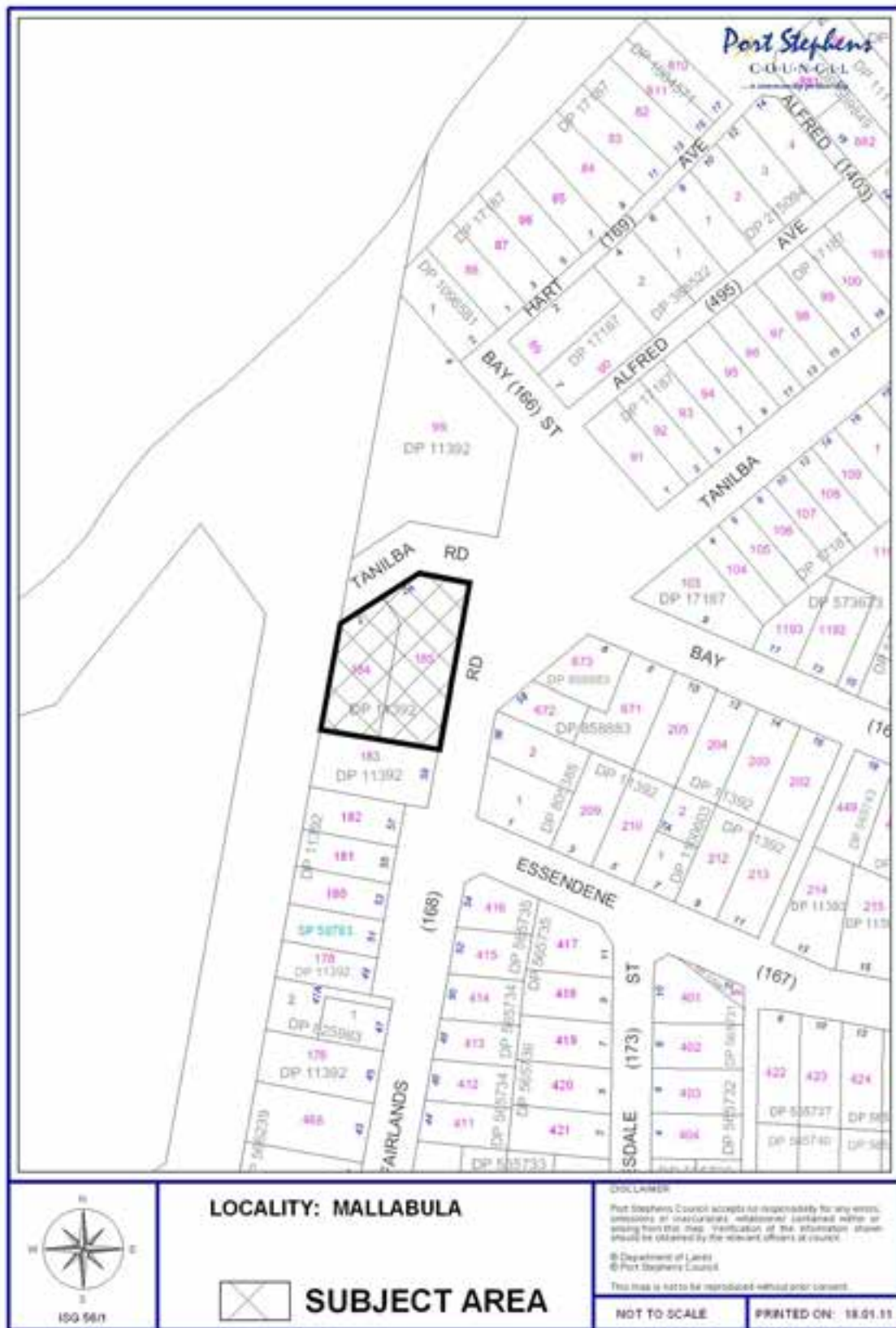
Statement of Environmental Effects

Development Plans

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



**ATTACHMENT 2
ASSESSMENT**

The application has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

The proposal is for nine dwellings and subsequent nine lot strata subdivision, proposed pursuant to clauses 16 and 19 of the LEP 2000.

The subject site has frontage to Tanilba Road and proposes direct access to Fairlands Road.

THE APPLICATION

Owner	M & E F Statham Pty Ltd
Applicant	Tattersall Surveyors Pty
Detail Submitted	Statement of Environmental Effect including Site Layout Plan, Boundary Elevations, Site Plans, Shadow Diagrams and Draft Strata Plans, Flora and Fauna Assessment and Bushfire Assessment.

THE LAND

Property Description	Lots 184 & 185 DP 11392
Address	2 & 2A Tanilba Road MALLABULA
Area	2890m ²
Dimensions	Width of allotment is 48m. The length of the allotment varies from 41 metres to 68 metres.
Characteristics	The vacant site has a fall of approximately 2% to its flood prone north western portion. The site is also being bushfire prone and contains preferred koala habitat.

THE ASSESSMENT

(f) Planning Provisions

LEP 2000 – Zoning	2(a) Residential “A”
Relevant Clauses	10 Zone objectives and development control table 16 Residential zonings 17 Subdivision in Residential Zones 19 Dwelling-houses, dual occupancy housing and urban housing

	37 Objectives for development on flood prone land
	38 Development on flood prone land
	44 Appearance of land and buildings
Development Control Plan 2007	B2 – Environmental and Construction Management B3 – Parking Traffic and Transport B7 – Villa and Townhouse Development
State Environmental Planning Policies	SEPP71 – Coastal Protection

Discussion

Rural Fires Act 1997

The development is considered to be Integrated Development under the requirements of Section 100B of the Rural Fires Act 1997 given that the development involves the subdivision of bushfire prone land.

The application relies on the adjoining Council reserve in order to provide Asset Protection Zones for the proposed dwellings. The applicant has not received owners consent from Council to enable the reserve to be included in the development application and Facilities and Services have indicated that they will not support the management regimes to the prescription of an asset protection zone within the reserve.

There is an existing Asset Protection Zone on the reserve however this is managed under the provisions of Section 63 of the Rural Fires Act to reduce the threat of fire escaping from the land. The Asset Protection Zone is not managed to a level required under Section 100B of the Rural Fires Act for the protection of dwellings.

It is recommended that this application be refused as the proposal has been unable to receive a Bushfire Safety Authority from the NSW Rural Fire Service. The NSW Rural Fire Service has stated;

"Information submitted by council indicates that the Council would not support management regimes to the prescription of an asset protection zone within the reserve adjoining the site.

The applicant is requested to submit further details demonstrating how proposed building footprints and appropriate asset protection zones required by 'Planning for Bushfire Protection 2006' can be achieved within the proposed subdivision".

Given that the application is Integrated Development under the Rural Fires Act 1997 and no Bushfire Safety Authority has been granted, and the applicant does not have the owners consent of Council to include the adjoining reserve in the application, Council can not legally determine the application by way of approval.

LEP 2000.

Clause 16 – Residential Zonings

Clause 16 describes the zone objectives and description for the Residential Zones. The development is considered to be generally consistent with the zone objectives and description for the 2(a) – Residential Zone, inconsistencies are discussed below.

(e) to ensure that the design of residential areas takes into account environmental constraints including soil erosion, flooding and bushfire risk.

It is considered that the development is inconsistent with the zone objective described in clause 16(2)(e) in that the application has not adequately considered the environmental constraint of Bushfire. The application does not provide for Asset Protection Zones on the subject site and relies on the adjoining Council Reserve.

The application was not supported by owners consent to include the reserve as a part of the application and has also been unable to obtain a Bushfire Safety Authority from the NSW Rural Fire Service.

Clause 17 – Subdivision in Residential Zones

Clause 17 states that a person shall not subdivide land in a residential zone except with the consent of the consent authority. Furthermore, consent for the subdivision of land to create an allotment with an area of less than 500m² that is, in the opinion of the consent authority, intended to be used for the purpose of residential housing is to be granted only if consent has been granted, or is granted at the same time, for the erection of a dwelling on that allotment.

It is noted that the development is for the subdivision of land creating allotments with an area of less than 500m², however the application also includes the erection of a dwelling on each allotment.

Clause 19 – Dwelling-houses, dual occupancy housing and urban housing

Pursuant to this clause, consent must not be granted to the erection of urban housing on land in the 2(a) zone, unless:

- (a) the allotment on which the building is proposed to be erected has an area of not less than the 300m² for each dwelling, and
- (b) the ratio of the gross floor area of the building to the site area of the allotment does not exceed 0.5:1, and
- (c) the height of the building does not exceed 8 metres.

The development complies with clause 19 with a minimum area of 321m² for each dwelling, a floor space ratio of 0.5:1 and heights under 8m.

Clause 37 – Objectives for development on flood prone land

The objectives for development on flood prone land are:

- (a) to minimise risk to human life and damage to property caused by flooding and inundation through controlling development, and*
- (b) to ensure that the nature and extent of the flooding and inundation hazard are considered prior to development taking place, and*
- (c) to provide flexibility in controlling development in flood prone localities so that the new information or approaches to hazard management can be employed where appropriate.*

Clause 38 – Development on flood prone land

Clause 38 states that a person shall not carry out development for any purpose on flood prone land except with the consent of the consent authority. Before granting consent to development on flood prone land the consent authority must consider the following:

- (a) the extent and nature of the flooding or inundation hazard affecting the land,*
- (b) whether or not the proposed development would increase the risk or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,*
- (c) whether the risk of flooding or inundation affecting the proposed development could reasonably be mitigated and whether conditions should be imposed on any consent to further the objectives of this plan,*
- (d) the social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood prone areas,*
- (e) the provisions of any floodplain management plan or development control plan adopted by the Council.*

The subject site has a flood planning level of 3.4m AHD. All habitable Finished Floor Levels are located at or above the 3.4m AHD level.

Clause 44 – Appearance of land and buildings

This clause requires the development of land within view of any waterway or adjacent to any main or arterial road, public reserve or land zoned as open space, to take into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, main or arterial road, public reserve or land zoned as open space.

The subject site is located within view of both Tanilba Bay and Caswell Reserve to the west. It is not considered that the development will adversely impact the visual amenity of the general locality.

Clause 51A – Development on land identified on Acid Sulfate Soils Planning Maps

Clause 51A applies to the application. The site is mapped as Class 4 Acid Sulphate Soils, which requires a preliminary site assessment for works below 2m from the ground surface. The proposed excavation should not exceed 2m. No further consideration is required.

Development Control Plan Port Stephens Development Control Plan 2007

Port Stephens Development Control Plan 2007 applies to the development. Areas of non compliance are referenced below.

Part B7 – Villa and Townhouse Development

The development as proposed contains multiple departures from the requirements of Section B7 – Villa and Townhouse Development within Development Control Plan 2007.

Should the issues surrounding the provision of an appropriate Asset Protection Zone be resolved, these issues will require addressing prior to any determination. Areas of the DCP with areas of non compliance relate to;

- Setbacks to Fairlands Drive and Tanilba Road (Clauses B7.C4, B7.C5).
- Excessive Site Coverage (Clause B7.C33, B7.C83)
- Unit 9 Upper Story Side Setback (Clause B7.C48)
- No Deep Soil Planting area of 50m² on rear boundary (Clause B7.C50)
- Encroachment into 4.5m setback to waterfront reserve (clause B7.C52)
- Minimum Open Space Requirement (Clauses B7.C60, B7.C61, B7.C66)
- Visitor Parking (Clause B7.C78).

SEPP 71 – Coastal Protection

It is considered that the proposed development is consistent with, and does not hinder the attainment of the aims of the policy. There will be no impact on public access to and along the coastal foreshore, and the development is considered suitable given its type, location and design and relationship with the surrounding area. There will be no significant detrimental impact on the amenity of the coastal foreshore, including overshadowing or loss of views, or on the scenic qualities of the New South Wales coast.

There is no impact anticipated on threatened species or their habitats, fish and marine vegetation or their habitats.

Existing wildlife corridors will be unaffected and the development is unlikely to have any significant impact on coastal process, or vice versa.

Development is not anticipated to significantly impact land-based or water based coastal activities.

There is no evidence that the site contains Aboriginal archaeology, however the consent will include an advice condition that should any aboriginal site or relic be disturbed or uncovered during construction of the development, all work shall cease and NPWS shall be consulted. There is no evidence that the site contains items of heritage, archaeological or historic significance.

No cumulative impact is anticipated, and the development complies with BASIX requirements in relation to efficient water and energy usage.

2. Likely Impact of the Development

Context and Setting

The proposal is unlikely to have any significant impacts on adjoining properties or the existing character of the street. The development will increase the density of dwellings on the site; however will not adversely impact on the existing streetscape.

Access, Transport & traffic

The access to the reserve alongside this property is gravelled and will create a dust problem which the future owners will be unlikely to tolerate. Council's Engineering Services Manager has advised that the developer should reconstruct and seal this access and should prepare detailed road and pavement design plans, including kerb and guttering and concrete footpath paving, as well as appropriate drainage management.

Public Domain

There is no kerb and guttering fronting this property on Tanilba Road. Council's Engineering Services Manager has advised that the developer should undertake road widening including kerb and gutter construction, new concrete footpath paving and appropriate drainage work as part of this project. Detailed road design plans including pavement design need to be prepared and submitted for Council's assessment.

Water

There is little detail on which is proposed to take place to cater for adequate stormwater disposal. Council's Engineering Services Manager has advised that it is anticipated that roof water tanks as well as some detention and details for the disposal of stormwater into the adjacent waterway/infrastructure/or Tanilba Road. Stormwater from driveways and footpaths should be collected and discharged into an infiltration system and overflows should be directed to Tanilba Road or waterways. This requirement can be imposed as a consent condition, with details being provided prior to issue of Construction Certificate.

Flora and Fauna

There are large native trees on the boundary of the adjoining site to the south; one located only one metre from a proposed unit. An arborist report is required to demonstrate that the development can be undertaken without impacting trees on adjoining properties, which can be imposed as a consent condition.

3. Suitability of the Site

Bushfire

The site is mapped as being bushfire prone. The proposal includes subdivision, and is therefore integrated development requiring a Bushfire Safety Authority from NSW Rural Fire Service (RFS) under section 100B of the Rural Fires Act. The NSW Rural Fire Service has been unable to issue a bushfire safety authority as the development relies on an off property APZ.

Sea level rise

Council's Engineering Services Manager has advised that this property is likely to suffer from sea level rise and estuarine wind/wave affects in the future, which could be a serious problem in a few decades.

Council's Strategic Engineer has requested that applicant provide finished levels of ground floor, garages, courtyards, stormwater trenches and any structures that would be built in that area that is currently below 3.4metres AHD. In assessing this additional information, regard will be had to the predicted rise in sea level.

4. Submissions

Council received sixteen (16) submissions objecting to the urban housing development. It should be noted that three (3) submissions were received from the same two (2) people. The issues raised in the submissions are as follows

Traffic

- *The entrance/exit on Tanilba Road in on a near 90 degree bend*
- *Car and buses cut this corner frequently and are often going fast*
- *9 or more vehicles entering at this point will make this part of the road more dangerous*
- *The land borders Caswell Reserve entrance Road – The houses will obscure the reserve entrance/exit point – another unsafe spot*
- *The bus stop is only metres away from this common boundary road as is the children's playground.*
- *Increased traffic*

Council's Development Engineer has no objection to the development in regard to the abovementioned issues.

Visitor Parking

- *...does not appear to make any provision for visitor parking...any proposed development visitor parking on this reserve will tend to severely limit parking for reserve users.*
- *...the road junction of Fairlands Road, Tanilba Road and Bay Street does not lend itself to safe kerbside vehicular parking...*

Council's Development Engineer has advised that the proposed development is required to provide three visitor spaces to comply with the controls of Development Control Plan 2007.

Stormwater

- *Drainage/pollution*
- *Additional housing roof surface area, and driveways also associated runoff caused, will affect the flow of stormwater*
- *...land is VERY WET when we have only a little rain...there has to be a major water problem.*

Council's Development Engineer has no objection to the development in regard to the abovementioned issues.

Vegetation

- *Loss of large mature trees*
- *...large native tree on our side of the fence...site plan shows a gap of only 1000m to Residence 9 – with tree roots, overhanging branches, leaves etc – this is not going to work.*

The development requires the removal of two trees and the applicant has indicated that he is willing to replace these in the adjacent public reserve. This can be reinforced with a consent condition. It is noted however that no consent of the reserve owner has been sought for additional plantings.

An arborist report is required to demonstrate that the development can be undertaken without impacting trees on adjoining properties, as a consent condition. The issue of overhanging branches and leaves will be a civil one.

Development Merit

- *...overdevelopment...*
- *....that area needs only single storey dwellings and one dwellings per block...to blend with existing residence around the area.*
- *...too bulky with 2 storeys and a huge footprint – it overpowers the surrounding park and neighbourhood.*
- *Increased renters – Tiligerry as a whole is not suitable for medium density/mass residential housing with little public transport, no local employment.*
- *To crowd nine dwellings onto two blocks appears to be ludicrous...*
- *This proposed condensed housing could easily become a "ghetto" situation if not properly managed.*
- *Encompassing a panoramic view of the large adjoining council toilet block the proposed dwellings cannot be expected to command an "upmarket" image*

and or price and the consequences of nine "cheap" dwellings becoming available in the development with all of the social problems associated with these developments...

The proposal is permissible in the 2(a) zone. The development is an overdevelopment of a significantly constrained site that is effectively reduced in developable area due to the constraint of Bushfire and the need for statutory requirement to provide asset protection zones on the subject site.

The existence of a Council toilet block on an adjoining parcel of land does not warrant refusal of the proposal.

Flora and Fauna

- Koala habitat, Corridor and Buffer Zone
- ...several dozen native trees...frequently utilized by the local koala population...proposed development will deny koala access to all of these trees with obvious detrimental consequences...

Local Impacts

- *Impact on adjoining residents (car lights, noise)*

The residence from which this objection was received is offset from the access way to the development, so they will not be impacted by car lights. The residence directly opposite the access way has only garaging and living room windows on this elevation.

Noise from the development is not expected to be of significant concern.

Bushfire

- Bushfire risk
- firebreak to be made on the proposed dwelling land and NOT ON the adjoining Habitat Land.

The development does not provide for the statutory Asset Protection Zone on site and has not obtained a bushfire safety authority and as such can not be determined by way of approval.

It is considered that relying on adjoining property for the placement of Asset Protection Zones represents an overdevelopment of the site.

5. Public Interest

The development complies with the relevant environmental planning instruments and is unlikely to result in any unreasonable or detrimental impacts on adjoining properties.

ITEM NO. 2

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 22 March 2011.

No:	Report Title	Page:
1	MEDOWIE SUPPORT FOR WOOLWORTHS SUPERMARKET DA	38

ORDINARY COUNCIL MEETING – 25 MARCH 2011

100	Councillor Steve Tucker Councillor Sally Dover	It was resolved that the recommendation be adopted.
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GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

MEDOWIE SUPPORT FOR WOOLWORTHS SUPERMARKET DA

REPORT OF: PETER GESLING – GENERAL MANAGER
GROUP: GENERAL MANAGERS OFFICE

FILE: PSC2011-00917

BACKGROUND

The purpose of this report is to inform Councillors of a petition received to the General Manager of Port Stephens Council from One Hundred (100) petitioners, residents of Medowie supporting the Woolworths to be built at Medowie.

"Medowie deserves the right to the same facilities and opportunities as other Port Stephens communities. We the undersigned petitioners call on all Port Stephens Councillors to support and adopt the development application for a Woolworths to be built at Medowie".

ATTACHMENTS

- 1) Petition (excluding names and addresses).

**Petition
Port Stephens Council**

Medowie deserves the right to the same facilities and opportunities as other Port Stephens communities.

We the undersigned petitioners call on all Port Stephens Councillors to support and adopt
the development application for a Woolworths to be built at Medowie.

Name	Address	Signature
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MINUTES FOR ORDINARY MEETING – 25 MARCH 2011

There being no further business the meeting closed at 7.05pm.

I certify that pages 1 to 124 of the Open Ordinary Minutes of Council 25 March 2011 and the pages 125 to 129 of the Confidential Ordinary Minutes of Council 25 March 2011 were confirmed by Council at its meeting held on 12 April 2011.

.....
Cr Bob Westbury
MAYOR