

**RE: Scoping Proposal to permit a service station at 254 Tarean Road,  
Karuah (Lot 1 DP 507141)**

Thank you for submitting the subject scoping proposal for consideration and referral.

In accordance with the NSW Department of Planning, Housing and Infrastructure (DPHI) Local Environmental Plan Making Guideline (LEP Making Guideline) the scoping proposal was sent to the following agencies for comment:

- NSW Department of Planning, Housing and Infrastructure (DPHI)
- Transport for NSW (TfNSW)
- Hunter Water Corporation HWC
- NSW Environment Protection Authority (EPA)
- NSW Rural Fire Service (RFS)

The agency responses have included under Attachment No. 2.

The scoping proposal was also referred to Council's Assets, Development Assessment and Compliance, and Strategy and Environment sections for comment.

Attachment 1 (Planning Proposal Requirements) provides a summary of the key comments received and matters to address with the preparation of a planning proposal for lodgement.

In preparing the planning proposal it must:

- Address all relevant legislation, strategic planning framework, environmental planning instruments, (including drafts), ministerial directions, plans, policies and guidelines.
- Be prepared using the attached planning proposal template (attached)

The following studies are required with the lodgement of the planning proposal:

- Traffic and Transport Strategy
- Bushfire Assessment Report (completed)
- Detailed Contamination Assessment (completed)

It is requested that the planning proposal be provided to Council for review via email prior to lodgement in the NSW Planning Portal.

The proposal is categorised as 'standard' under the LEP Making Guideline, which has a maximum benchmark end-to-end timeframe of 320 working days. To enable the achievement of these timeframes, any supporting technical studies should be sufficiently detailed and provided at lodgement. It is suggested that any additional work required for the studies be completed prior to submission of the planning proposal to ensure the timeframes in the Local Environmental Plan Making Guideline are met.

Council's fee structure has aligns to the Planning Proposal Categories as set out in the LEP Making Guidelines. The lodgement fees will be in accordance with Council's Fees and Charges Schedule 2024-2025 for a Standard (Category B) Planning Proposal and calculated on lodgement. The current Stage 2 fees to lodge a planning proposal are \$15,820 (subject to confirmation).

If the planning proposal is not lodged within 6 months from the issue date of this letter, further consultation with Council will be required. This may include further review by Council and re-referral of the scoping proposal to government agencies. Should this be required an additional Scoping Fee may be charged.

  


**04 July 2024**

## Attachment 1 Planning Proposal Requirements

PLANNING PROPOSAL REQUIREMENTS	
Studies Submitted	
<ul style="list-style-type: none"> <li>• Scoping Proposal (Perception Planning, March 2024)</li> <li>• Attachment 1 - Current Zoning Plan (Perception Planning, 4 March 2022)</li> <li>• Attachment 2 - Traffic and Parking Assessment (Intersect Traffic, March 2022)</li> <li>• Attachment 3 - Preliminary Contamination Report (Preliminary Contamination Assessment, 3 December 2021)</li> <li>• Attachment 4 - Bushfire Assessment Report (Bushfire Planning Australia, March 2022)</li> <li>• Attachment 5 - AHIMS Basic Search Report (18 February 2022)</li> <li>• Attachment 6 - Site Survey (Delfs Lascelles, 20 September 2021)</li> <li>• Attachment 7 - Visual Impact Assessment (Perception Planning, 5 April 2024)</li> <li>• Attachment 8 - Detailed Contamination Assessment (JM Environments, 4 March 2024)</li> </ul>	
STRATEGY AND POLICY CONTEXT	
<b>Regional Plans</b>	<b>Council</b> <ul style="list-style-type: none"> <li>• Provide a detailed response to the applicable aims, objectives and strategies of the Hunter Regional Plan 2041 (HRP).</li> </ul>
<b>Local Plans</b>	<b>Council</b> <ul style="list-style-type: none"> <li>• Provide a detailed response to the applicable outcomes and priorities of the Port Stephens Local Strategic Planning Statement (LSPS) and the Karuah Place Plan.</li> </ul>
<b>Ministerial Directions</b>	<b>Council</b> <ul style="list-style-type: none"> <li>• Provide a detailed response to applicable Directions issued by the Minister for Planning under section 9.1(2) of the Environmental Planning and Assessment Act 1979 (EP&amp;A Act). This includes listing and responding to the objectives, application, directions, and consistency criteria.</li> <li>• Key Ministerial Directions include: <ul style="list-style-type: none"> <li>○ 1.1 Implementation of Regional Plans</li> <li>○ 1.4 Site-Specific Provisions</li> <li>○ 4.2 Coastal Management</li> <li>○ 4.3 Planning for Bushfire Protection</li> <li>○ 4.4 Remediation of Contaminated Land</li> <li>○ 5.1 Integrating Land Use and Transport</li> <li>○ 7.1 Employment Zones</li> <li>○ 9.1 Rural Zones</li> <li>○ 9.2 Rural Lands</li> </ul> </li> </ul>

## PLANNING PROPOSAL REQUIREMENTS

### State Environmental Planning Policies

#### Council

Provide consideration of the following State Environmental Planning Policies (SEPPs):

- SEPP (Resilience and Hazards) 2021 Chapter 4 Remediation of Land
- SEPP (Transport and Infrastructure) 2021 Chapter 2 Infrastructure

## BIODIVERSITY AND CONSERVATION

### Biodiversity

#### Council

- Given the historic land use and cleared nature of the site, impacts to biodiversity and the environment are likely to be minimal.
- The site is within proximity to a heavily vegetated area which may have biodiversity values. Any indirect impacts associated with noise and lighting can be addressed at development application stage.

## RESILIENCE AND HAZARDS

### Bushfire

#### Council

- Demonstrate consistency with Ministerial Direction 4.3 Planning for Bushfire Protection.

#### NSW Rural Fire Service

- Council is awaiting comment from the RFS on the updated scoping proposal. Any updated advice and information requirements received from RFS will need to be included in the planning proposal submitted for lodgement.
- Noting the above, in August 2022 RFS advised it had no objection when it was consulted with on an earlier version of the scoping proposal (see below). RFS advised it did not object to the scoping proposal to regularise the land use zoning to reflect the current land use activity, providing the proposal will not introduce additional development opportunities without consent and to being consulted at planning proposal exhibition stage (RFS, 17 August 2022).

### Contamination

#### NSW Environmental Protection Authority (EPA)

- The scoping proposal including Detailed Contamination Assessment was referred to the EPA.
- Based on the information provided, the EPA advised it has no further comment on the proposal.
- Please note that the EPA previously advised an assessment in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 of any potential land contamination from any past-land use activities should be undertaken to assess whether the land is suitable for its proposed use or will require remediation. The EPA should be notified under section 60 of the Contaminated Land Management Act 1997 (CLMA Act) of any identified contamination that meets the triggers in the Guidelines on the duty to report

## PLANNING PROPOSAL REQUIREMENTS

contamination under the CLMA Act

[www.environment.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf](http://www.environment.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf) (EPA, 12 August 2022).

## TRANSPORT AND INFRASTRUCTURE

### Traffic and Transport

#### Council

- A Traffic and Transport Strategy prepared in accordance with the requirements of the LEP Making Guideline should be provided at lodgement.
- The local road network has capacity for potential generated traffic.
- The site has previous use as a service station and has appropriate road width and turn lanes to facilitate access to the site.
- Traffic Assessment Report (TAR) needs to be updated to reflect proposal.
- Mention of convenience store and commercial tenancies must be removed from the planning proposal and Traffic and Transport Strategy.

#### Transport for NSW (TfNSW)

- TfNSW recommends that a Traffic and Transport Strategy is prepared in accordance with the LEP Making Guideline to support the planning proposal.
- TfNSW notes the traffic modelling in the TAR uses counts from 2016. It should be updated to reflect the current network volumes and conditions.
- Before undertaking any further modelling to support the TTS a traffic modelling 'assumptions and methodology' (A&M) paper should be prepared by a traffic consultant for agreement by TfNSW.
- The A&M paper should identify:
  - Traffic count data source
  - Assumptions for modelling (traffic volumes, trip distributions, background growth)
  - Scenarios to be run (existing; existing plus development existing plus development, plus the 10-year horizon).
- Section 8 of the TPA indicates the planning proposal will facilitate a development comprising a service station with a convenience store, five (5) commercial tenancies and associate parking (note: mention of convenience store and commercial tenancies should be removed from the planning proposal and supporting studies).

### Infrastructure

#### Hunter Water Corporation (HWC)

- HWC has no objection to the proposed amendment.
- The site has an existing water service connecting to a DN150 watermain on Tarean Road.
- A sewer extension to the existing network to the east and in the vicinity of Tall Trees Road would be the most likely sewer servicing option.
- HWC requests that the proponent submits an application for Preliminary Servicing Advice via the Hunter Water Property Self Service Portal <https://selfservice.hunterwater.com.au/> so that the

PLANNING PROPOSAL REQUIREMENTS	
	capacity of the existing water and sewer infrastructure and the requirement for any upgrades to service the rezoned property can be assessed in more detail.