

Planning Proposal – Boundary Road Medowie

Part 1 – Objectives or Intended Outcomes

- To enable the development of part of the site for rural residential development with a minimum lot size of 1000 to 1500 square metres and 4000 square metres, as indicated on the relevant zoning map.
- To place part of the site with high conservation significance into an environment protection zone, as indicated on the relevant zoning map. This includes areas of Endangered Ecological Community – Swamp Sclerophyll Forest and Coastal Plains Smooth-barked Apple Woodland.

Part 2 – Explanation of Provisions

The land identified for rural residential zoning is generally located in the south west part of the site and is approximately 57 hectares in area.

Part of the land adjoining Boundary Road is identified for rezoning to 1(c4) Rural Small Holdings to permit a minimum allotment size of 4,000 square metres. This is consistent with the existing zone and allotment size on the southern side of Boundary Road. The 1(c4) Rural Small Holdings zone already exists in the Port Stephens LEP 2000 and can be directly applied to this part of the site.

Part of the site is identified for rezoning to permit rural residential subdivision to a minimum allotment size of 1000 to 1500 square metres. There is no existing rural residential zone in the Port Stephens LEP 2000 that permits allotments of this size. Under these circumstances, the best means of achieving rural residential development on the relevant part of the site is to zone the land for Rural Small Holdings and apply an LEP map that identifies a minimum allotment size of 1000 to 1500 square metres. The same objectives and land uses that currently apply to the existing rural small holdings zones in the Port Stephens LEP 2000 would apply in this instance.

The north-west part of the land is identified for rezoning to 7(a) Environment Protection. It is approximately 70 hectares in area and includes areas of Endangered Ecological Community - Swamp Sclerophyll Forest and Coastal Plains Smooth-barked Apple Woodland. The 7(a) Environment Protection zone already exists in the Port Stephens LEP 2000 and can be directly applied to this part of the site.

Part 3 – Justification

Section A – Need for the planning proposal.

Is the planning proposal a result of any strategic study or report?

Lower Hunter Regional Strategy

Medowie is a town that is identified as a proposed urban area in the *Lower Hunter Regional Strategy* (LHRS) with boundaries are to be defined through local planning. Council subsequently prepared and adopted the Medowie Strategy in 2009 to guide development in the town. The Medowie Strategy does not identify the Boundary Road site for development.

The site is located within the Watagan Stockton Green Corridor. The LHRS states that these corridors will be managed for their biodiversity and conservation values and that the protection of the corridors on private lands will be achieved through appropriate planning controls on private lands, as well as the exclusion of one-off development proposals in these areas (LHRS page 33). By seeking an LEP Gateway determination on the site, Council is able to clarify if its location within the Watagan Stockton Green Corridor precludes its potential inclusion in the Medowie Strategy and any rezoning for urban development. This is a primary reason for sending the planning proposal for an LEP Gateway determination at this time.

In considering this planning proposal, it needs to be noted that the landowner is prepared to dedicate the north-east portion of the site to the State for conservation purposes. This land adjoins State conservation land to the north and east. In this sense, the proposal will make a contribution to implementing the Watagan Stockton Green Corridor, notwithstanding the fact that it is proposing urban development. The planning proposal would be referred to the Department of Environment, Climate Change and Water to determine their interest.

Medowie Strategy

As stated, the site is not identified for development with in the adopted Medowie Strategy. On this basis its rezoning for development is not consistent with a local planning strategy adopted for the area. At the time of adopting the Medowie Strategy, in March 2009, Council had several submissions from landowners seeking the inclusion of their land for development. The Council made a decision to address those submissions at a later date and adopt the Strategy without further delay. In November 2009 Council subsequently considered the submissions and resolved to place on public exhibition additional sites, including Boundary Road, as potential amendments to the Strategy. The exhibition period commenced on 25th February and concluded on 8th April 2010. The results of the exhibition have not been reported to Council and the Medowie Strategy has not been amended at this time.

There is merit in considering the site for inclusion in the Medowie Strategy. Land release areas in the Medowie Strategy, like many areas of Port Stephens LGA, are difficult to deliver due to a history of poor subdivision patterns and small allotment sizes that have hindered the ability to coordinate and deliver developable land. The subject site at Boundary Road is free from these constraints. It is potentially one of the largest development sites in Medowie, is under single ownership and is capable of delivering up to 300 allotments if rezoned as proposed. The ability to deliver this land to the market, free from ownership and coordination constraints, is a significant advantage compared to other land identified for development in the Medowie Strategy.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site is under private ownership and is zoned 1(c1) Rural Small Holdings, which has a minimum allotment size of 20 hectares. There is no environment zone on the site despite its location within the Watagan Stockton Green Corridor and the environmental value of the north eastern area. The planning proposal will rezone this area to 7 (a) Environment Protection and provide the highest zone for conservation purposes under the Port Stephens LEP 2000. This part of the site is

approximately 70 hectares in area, includes a corridor of Endangered Ecological Community - Swamp Sclerophyll Forest, an area of Coastal Plains Smooth-barked Apple Woodland, and is identified as 'high conservation significance' in the Medowie Strategy (Medowie Strategy, page 15).

The land surrounding the proposed 7(a) Environment Protection zone is State-owned and under the administration of the Department of Primary Industry (according to Council records). It forms part of the Medowie State Conservation Area. The owner of the Boundary Road site has advised that, upon rezoning of the site to part rural residential and part environment conservation, they are prepared to dedicate land zoned to 7(a) Environment Protection to the State for conservation purposes.

The planning proposal will create larger rural residential allotments of 4000 square metres adjacent to Boundary Road. Larger allotments are proposed along Boundary Road to create a consistent lot size with existing rural residential development to the south of Boundary Road. This can be achieved in a simple manner by implementing the 1(c4) Rural Small Holdings zone that currently exists within the Port Stephens LEP 2000.

More intensive rural residential development, comprising allotments of 1000 to 1500 square metres as per the Medowie Strategy, is identified further to north of the proposed 1(c4) Rural Small Holdings zone. The proposed allotment size is consistent with the allotment size for rural residential development adopted in the Medowie Strategy. The main map of the Medowie Strategy shows that allotments of 1000 to 1500 square metres are located on the periphery of growth areas and the proposal for Boundary Road continues this theme. There may be a case for continuing allotment size of 4000 square metres, however, this will reduce allotment yield. The planning proposal, and the master-planning of the development, should be capable of delivering a high quality rural residential development.

Is there a net community benefit?

The proposal will have the following community benefits:

- A proposed transfer of 55% or 70 hectares of the site into public ownership allowing the permanent protection of the Endangered Ecological Community - Sclerophyll Forest and also Coastal Plains Smooth-barked Apple Woodland that is directly adjacent to other State-owned land;
- Provision of approximately 300 allotments in a master-planned, rural-residential theme development which will increase housing supply in the area;
- Potential for the landowner to further investigate and contribute towards measures to alleviate existing flooding and drainage problems in the locality, subject to further investigation and assessment.

The benefit of rezoning and dedication of 70 hectares of land for conservation and coordinated development of approximately 300 allotments for housing needs to be considered against the loss of vegetation for development and any potential impacts on infrastructure, particularly flooding and drainage. The planning proposal seeks to offset loss of vegetation, and flooding and drainage issues will be addressed more thoroughly following an LEP Gateway determination.

If the site retains its current zoning arrangement there is no protection offered through a conservation zoning, or obligation to manage the land for conservation.

The community benefit of the planning proposal is discussed further in Section C – *Environmental, social and economic impact* of this report.

Section B – Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Lower Hunter Regional Strategy

The planning proposal for Boundary Road is located outside of the mapped proposed urban area for Medowie and is located within the Watagan Stockton Green Corridor.

An action of the LHRS is that the Sustainability Criteria will not apply to the land in the green corridor (LHRS, page 34). On this basis it may be that the site is precluded from rezoning for development. Clarification on this matter is required and is a primary reason for forwarding the proposal to the LEP Gateway for consideration, prior to committing further resources to the site and its inclusion as a potential amendment to the Medowie Strategy.

The LHRS states that land within the green corridor comprises areas of high conservation value joining key corridors through the region and that these corridors are to be managed for conservation purposes (LHRS, page 13). At first consideration the planning proposal is inconsistent with this direction because it proposes urban development on part of the site. However, there are particular aspects of the planning proposal that may justify limited urban encroachment into the green corridor. For example, the LHRS seeks to achieve protection of the green corridors through dedication by major landholders of significant additional holdings (LHRS, page 33). If the site is rezoned as proposed the owner is prepared to dedicate land identified for zoning to 7(a) Environment Conservation to the State. It will make a logical addition to the Watagan Stockton Green Corridor and Medowie State Conservation Area.

An action of the LHRS is that local environmental plans are to provide for the ongoing role of the biodiversity corridor and inter-urban break (LHRS, page 34). The planning proposal largely achieves this by rezoning 70 hectares of the site to 7(a) Environment Protection and dedicating it to the State for conservation purposes. This is a significant contribution given the site's environmental value including presence of an Endangered Ecological Community – Swamp Sclerophyll Forest and its location adjacent to the Medowie State Conservation Area. The planning proposal will also apply an appropriate zone to this part of the site that more accurately reflects its environmental value, as opposed to its current 1(c4) Rural Small Holdings.

Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Council has not adopted a Community Strategic Plan at this time.

Council has a Community Settlement and Infrastructure Strategy (CSIS) that was adopted by Council in 2007; however, it has not been endorsed by the Department of Planning. The site is not currently identified for development in the short term in the CSIS. The CSIS currently refers to a superseded Local Area Strategy for Medowie.

The development footprint identified in the adopted 2009 Medowie Strategy has not been included within the CSIS at this time.

Is the planning proposal consistent with applicable state environmental planning policies?

SEPP 44 Koala Habitat Protection

SEPP 44 applies to the planning proposal via the Port Stephens Comprehensive Koala Plan of Management or KPOM. The proponent has prepared a flora and fauna assessment to identify the environmental characteristics of the site; however, it does not address the KPOM in a thorough manner. If the LEP Gateway determination allows the proposal to progress further resources can be allocated to address this.

SEPP 55 Remediation of Land

SEPP 55 applies to the planning proposal and aims to promote the remediation of contaminated land, for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

A 'phase 1' contamination report has been carried out for the site (HLA Environsciences Pty Ltd 2006). The following evidence of possible site contamination was noted:

- Lot 93 - A small mound of bitumen road material was observed in the south west corner.
- Lot 94 - Imported fill material has been used to build up a truck maintenance area; The quality of the fill material is unknown; Some truck parts and some waste drums were observed in the truck maintenance area; and a surface oil stain approximately 5 square metres in area was observed in the truck maintenance area.

The report advises that the potential for contamination in the remaining areas of the site is considered to be low. It suggests that further investigations consisting of preliminary sampling and analysis should be conducted. These contamination issues will be addressed as part of the rezoning and development process.

Is the planning proposal consistent with applicable Ministerial Directions?

Direction 1.2 Rural Zones

The objective of this direction is essentially to protect the agricultural production value of rural land.

The site is not identified as Class 1-3 prime agricultural land and is used for low-intensity grazing purposes.

It is considered that any inconsistency is justified because of the low value classification of the land for agriculture. The planning proposal is of minor significance in terms of the loss of land zoned for agriculture.

Direction 1.5 Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes. The direction requires consistency with the principles of State Environmental Planning Policy (Rural Lands) 2008 as follows:

- The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas:

Like all vacant land, at some time the land may present an opportunity for agricultural production. However, it is not classed as prime agricultural land. It does provide an opportunity to accommodate development in a town that is identified for growth in the LHRS.

- Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State:

Agricultural activities on the site are limited and comprise only low intensity, small scale cattle grazing. It is very unlikely that the rural land uses on the site contribute any benefit to agriculture at a regional or State level. Broader trends in agriculture are difficult to identify and apply to the site. In any case, Medowie is identified as a proposed urban area and not as rural and resource land in the LHRS.

- Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development:

Agricultural activities on the site are limited and comprise only low intensity, small scale cattle grazing on land that is not classified as Class 1-3 prime agricultural land. For these reasons it is very unlikely that the rural land uses on the site contribute any benefit to agriculture at a regional or State level.

- In planning for rural lands, to balance the social, economic and environmental interests of the community:

The planning proposal is a balanced approach to the site-specific development of the site by encouraging development and population growth and dedicating the north east part of the site for conservation.

- The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land:

The Medowie Strategy does not, in general, identify those parts of the site proposed for development site as having high conservation significance. The south west corner of the site comprises an area identified as having medium or no conservation significance in the Medowie Strategy. The planning proposal seeks to transfer high conservation value land in the north east part of the site to the State for conservation purposes.

- The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities:

Medowie is identified as a town in the LHRS as a shopping and business centre for the district including health and professional services mixed with medium and higher density residential

(LHRS main map). The development of the site as proposed will provide the opportunity for rural lifestyle, settlement and housing and add to the population. The proposal is consistent with this principle.

- The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing:

The provision of infrastructure is addressed in section D *State and Commonwealth interests* of this planning proposal.

- Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General:

The site is not identified as rural and resource land in the LHRS, or identified as having rural and resource value in the CSIS or Medowie Strategy. The planning proposal is consistent with this principle concerning rural land.

A summary response to this Direction is that any loss of agricultural land on this site is not significant. The land is not classed as primary agricultural land, is not identified as rural or resource land in the LHRS and is only used for low intensity, small scale cattle grazing. The proposal will be referred to the Department of Primary Industries for comment on the land's agricultural value prior to public exhibition.

Direction 2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. The direction is that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. The proposal is consistent with this Direction.

The site is located within the Watagan Stockton Green Corridor in the LHRS. The LHRS describes green corridors as areas of high conservation values joining key corridors through the region that will be managed for conservation purposes (LHRS, main map). A strict interpretation of the green corridor suggests that the planning proposal is inconsistent with this Direction. However, inconsistency with this Direction may be justified because it places approximately 70 hectares of land into the 7(a) Environment Protection zone and proposes its dedication to State ownership for conservation purposes.

Direction 3.1 Residential Zones

The objectives of this Direction are:

- To encourage a variety and choice of housing types to provide for existing and future housing needs
- To make an efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services
- To minimise the impact of residential development on the environment and resource lands.

The proposal is consistent with this Direction because it is providing for residential development with allotment sizes of 1000 to 1500 square metres. The intent is to create a rural residential

development. This will increase the amount of land available for housing in Medowie by approximately 300 allotments.

It is acknowledged in the CSIS rural residential development does not make the most efficient use of the land in terms of density and provision of infrastructure and services (CSIS, page 50). However, the proposal for rural residential development at Boundary Road is consistent with the site's location on the fringe of existing rural residential development. To rezone the land for standard residential development would be incompatible with the existing pattern of rural residential development and create a dense settlement on the urban fringe.

This direction also provides that a planning proposal must contain a requirement that residential development is not permitted, until land is adequately serviced or arrangements that are satisfactory to the relevant authority have been made. A 'due diligence' report has been submitted by the applicant that addresses the availability of sewer and water, electricity, telecommunications and gas (Hyder, January 2010). Further investigation would occur as part of the referral process.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to ensure that development:

- Improves access to housing, jobs and services by walking, cycling and public transport;
- Increases the choice of available transport and reducing dependence on cars;
- Reduces travel demand including the number of trips generated by development and the distances travelled, especially by car;
- Supports the efficient and viable operation of public transport services; and
- Provides for the efficient movement of freight.

This Direction applies because the proposal will rezone rural land for residential purposes.

A relevant matter to consider is the planning proposal seeks to facilitate rural residential development of approximately 300 allotments on the northern fringe of Medowie. It does not comprise a mix of land uses. It is seeking an expansion on the existing theme of rural residential development in Medowie and will support the growth of the existing commercial area in the centre of Medowie and the major regional centre of Raymond Terrace.

The site is located in close proximity to Medowie Road, a sub-arterial road, which is the major transport route for the town and leads to the commercial centre. This provides opportunities for reasonable provision of cycle ways, footpaths and public transport.

The Medowie Strategy states that all streets will be designed to facilitate walking and cycling. It also notes that a section of cycleway 500m in length exists along Medowie Road to Silver Wattle Drive. The Boundary Road site is approximately 2km from this infrastructure and there will be an opportunity for any subsequent development to contribute towards extending this cycleway.

Public transport in Port Stephens in Port Stephens and Medowie is primarily via bus. The Medowie Strategy states that public transport providers provide a bus stop 400m to 800m from every dwelling and that proposed bus routes shall be determined with public transport providers as part of the rezoning process (Medowie Strategy, page 47).

Council is preparing an Infrastructure Strategy to complement the Medowie Strategy. It will address infrastructure matters in detail, including funding mechanisms. It can also include the provision of services to the Boundary Road site. The majority of other existing planning

proposals/rezoning requests are not progressing due to the comprehensive infrastructure and flooding and drainage studies for Medowie not being completed. The planning proposal for Boundary Road would be subject to the same timing issues.

Direction 4.1 Acid Sulphate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

The site and its surroundings are mapped as comprising Class 5 acid sulphate soils; the lowest mapped category of risk.

This Direction does not apply to the rezoning because of the Class 5 categorization of the site and surrounding land.

Direction 4.3 Flood Prone Land

The objectives of this Direction are:

- To ensure that development of flood prone land is consistent with the NSW Government's *Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*; and
- To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This Direction applies because part of Lot 96 in DP 753194 is mapped as flood prone. In any case, Council and the community are aware of existing flooding and drainage problems in Medowie, and are cognisant of the need to address these issues in a comprehensive manner when considering planning proposals. There is a perception that any intensification of development has the potential to exacerbate existing problems.

A flooding and drainage assessment has been prepared for the planning proposal (Umwelt, February 2010). The assessment establishes pre-and post development flood behaviour and provides greater detail on the extent of flooding on the site. It establishes that peak flooding velocities will be generally increased throughout the development area with no mitigation strategy employed and that these increases are at most 0.3% above the existing conditions, which are relatively minor and still remain below levels that would cause issues with erosion and scouring (Section 5.1, Umwelt 2010).

The assessment by Umwelt makes recommendations to address flooding and drainage impacts or improve the existing situation. These include:

- Source control performance (5k litre rainwater tanks) – capable of reducing the modelled catchment outlet flood peak to 1.1% less than the pre-development peak downstream of the site, with similarly predicted decreases in the peak velocity while flood depth remains unchanged;
- Outlet control performance (a dry detention basin located on Lot 96 in DP 753194) – capable of reducing the post-development flood flows, velocities and depths to values that are less than or equal to the pre-development conditions downstream of the site; and

- Combined source and sink controls (Combined source and outlet control performance) – capable of reducing post-development flows downstream of the site by approximately 4.2% below present conditions and reductions in downstream flow velocity 1.8% and flood depth 2.2%.

It should be noted that the legality and permissibility of constructing the dry detention basin needs to be established.

The flooding and drainage assessment provided by Umwelt submits that flooding and drainage issues can be overcome in the event that the land is rezoned and developed. This would need to be fully assessed and reviewed, prior to any planning proposal being placed on public exhibition. A comprehensive assessment has not been carried out by Council at this time and would follow an LEP Gateway determination. It may be the case that any development footprint and zoning arrangement for the site will need to be altered following more detailed investigations.

Council is also currently preparing, in two stages, a flooding and drainage model for Medowie. The first stage will determine the extent of existing flooding and drainage problems, and is expected to be completed in June 2010. The second stage will assess the impacts of potential development under Medowie Strategy and may address the Boundary Road proposal. The timing for completion of the second stage has not been set.

Direction 4.4 Planning for Bushfire Protection

The objectives of this Direction are to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.

This Direction applies because the land is mapped as bushfire applies.

A bushfire hazard assessment has been carried out by the proponent (Umwelt 2010). The assessment concluded that there is an extreme category of attack to the boundary of the site from the north, east and west boundaries and that this category equates to a Level 3 (Extreme Attack) construction standard to prevent damage from ember and radiant heat attack.

The planning proposal will require referral to the Rural Fire Service for opinion if the LEP Gateway determination allows the proposal to proceed to the next stage of the process.

Direction 5.1 Implementation of Regional Strategies

The LEP Gateway determination will assist Council and the proponent in determining whether the planning proposal is consistent with the LHRS. Clarification is sought on whether the site's location within the Watagan Stockton Green Corridor precludes its consideration for rezoning to support development and whether the land should be identified for development in any amendment to the Medowie Strategy.

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A flora and fauna assessment has been prepared by the proponent and is submitted for consideration (Umwelt 2010). There will be impacts on flora and fauna if the planning proposal is carried out.

Flora

The location of flora communities within the study area is shown in the attached figure Vegetation Communities of the Study Area (Figure 3.1 Vegetation Communities of the Study Area, Umwelt 2010). In summary:

- No critical habitat will be affected by the planning proposal.
- No endangered or threatened flora populations were found on the site.
- 35 hectares of the site is comprised of Endangered Ecological Community – Swamp Sclerophyll Forest. Approximately 2 hectares of this vegetation type will be zoned for development under the planning proposal.
- 3 hectares of the site is comprised of potential Endangered Ecological Community – Forest Red Gum/Red Mahogany Open Forest and is proposed to be zoned for urban development.

Fauna

The location of threatened species within the study area is shown in the attached figure Threatened Species Location (Umwelt 2010).

No endangered fauna populations were recorded within the study area.

Twelve threatened fauna species were recorded within the study area:

- Glossy Black Cockatoo
- Masked Owl
- Varied Sittella
- Koala
- Squirrel glider
- Grey headed flying fox
- Yellow bellied sheath tail bat
- Eastern free tail bat
- Little bent wing bat
- Eastern bent wing bat
- Large eared pied bat
- Greater broad nosed bat

Based on the habitat available it is likely that other threatened fauna species could occur within the study. The flora and fauna assessment provided by Umwelt provides an assessment of the

impact of the planning proposal on these species and concludes that no threatened fauna species are considered to have the potential to be significantly impacted by the proposal.

The site comprises various categories of Koala habitat as identified in the Port Stephens CKPoM. An extract of the CKPoM map is provided on page 14 of the Medowie Strategy. It shows an area of Preferred Koala Habitat that is consistent with the Endangered Ecological Community – Swamp Sclerophyll Forest on the site.

The CKPoM map also shows that there is an area of Preferred Koala Habitat in the south west part of the site, in an area that is identified for rural residential development. This particular area currently comprises scattered canopy species over a cleared area and it is likely that koalas could travel across the open area to other areas of more substantial habitat (Umwelt 2010). In the context of the Medowie Strategy, this particular part of the site is identified as having a medium conservation significance rating (Medowie Strategy, page 15).

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The following table shows the area of each vegetation type impacted by the proposal:

Table 1 Extent of vegetation communities within areas to be developed (Table 5.1, Umwelt, 2010)

Vegetation Community	Amount (hectares) within area to be developed	Extent within study area (hectares)	% Impact
Swamp Sclerophyll Forest (EEC)	2	35	5.7
Coastal Plains Smooth-barked Apple Woodland	25	58	43
Forest Red Gum/Red Mahogany Open Forest (potential EEC)	3	3	100
Derived Grassland with Scattered Canopy Trees	21	21	100
Derived Grassland	7	10	70
Water bodies	<1	<1	100
Total	59	127	46

Table 1 shows that there will be impacts upon vegetation communities on the site, with clearing occurring as part of the development. In terms of area, the main vegetation community to be affected will be Coastal Plains Smooth-barked Apple Woodland. There will also be 5 hectares total of Endangered Ecological Community (EEC) or potential EEC that will be cleared. The flora and fauna assessment by Umwelt summarises that these impacts will be mitigated or offset by the transfer of 33 hectares of Swamp Sclerophyll Forest EEC and 33 hectares of Coastal Plains Smooth-barked Apple Woodland to public ownership as a biodiversity offset.

The proposal will be referred to the Department of Environment, Conservation, Climate Change and Water for consideration.

How has the planning proposal adequately addressed any social and economic effects?

The planning proposal may have positive social and economic impacts through the delivery of land for housing. If successful, the proposal would facilitate approximately 300 residential allotments and an additional population of 630 persons once fully developed (based on an average of 2.1 persons per dwelling as per the Medowie Strategy). The 300 allotments and 630 persons would be in addition to total growth of 3105 allotments and 6520 persons in the adopted Medowie Strategy – an increase of approximately 10% respectively. The additional population would support local business in Medowie and also be serviced by the nearby major regional centre of Raymond Terrace.

Under Council's current s94 developer contributions plans and based on a yield of 300 allotments, the following contributions would be received:

- Civic administration $300 \times \$377 = \$113,100$
- Public open space, parks and reserves $300 \times \$2046 = \$613,800$
- Sports and leisure facilities $300 \times \$4821 = \$1,446,300$
- Cultural and community facilities $= 300 \times 2424 = \$727,200$
- Road works $300 \times \$1370 = \$411,000$
- Fire and Emergency Services $300 \times \$188 = \$56,400$
- TOTAL = \$3,367,800

The amount of money collected by Section 94 developer contributions is significant and can make a positive contribution towards the provision of infrastructure in Medowie.

Plans for the development of the land have evolved over time to the current proposal. The intention to create a master planned community of 300 allotments, consistent with the existing theme of rural residential development, is a logical extension of the town and it would follow that there would be no unusual or foreseeable adverse social impacts as a direct result of the development.

On a broader level, the ability to deliver land for development under the adopted Medowie Strategy is difficult given the fragmentation of land ownership. The Boundary Road site is in single ownership and this represents a significant advantage over other land regarding the ability to deliver land to the market in a coordinated manner.

Section D – State and Commonwealth interests.

Is there adequate public infrastructure for the planning proposal?

The proponent has prepared a Due Diligence Report (Hyder, 2010) that investigates the provision of sewer and water, electricity, telecommunications and gas. A summary of the report's conclusions are as follows:

- Telstra would require the developer to provide trenches for the installation of cables and suitable locations to install above ground housing and cabinets;

- Energy Australia has spare capacity for an initial stage of 50 lots however this would need to be confirmed at the time of development. Upgrades are planned by Energy Australia to increase the service capability in Medowie area within 5 years and would be sufficient to service the remainder of the development. The proponent has instigated negotiations with Energy Australia as to the feasibility of a parcel of land within the site for a substation;
- Water supply is available from the existing water main at the intersection of Medowie Road and Silver Wattle Drive and enough capacity will be available at the time of development;
- Hunter Water confirmed that the upgrades in the sewer system are scheduled to cater for the site development and other future demand. The sewer system currently has spare capacity for initial stages of the development; however this needs to be confirmed at the time of commencement of each stage. Alternatively there is an option of site sewer storage combined with controlled site sewer discharge on off-peak times; and
- Gas supply would require funding by the developer.

It is reiterated that the above conclusions are taken from a Due Diligence Report prepared by a consultant for the landowner. The provision of sewer and water infrastructure to the site will be addressed by referral to the relevant service providers as part of the usual planning process.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of public authorities will be sought following an LEP Gateway determination from the Department.

Part 4 – Community Consultation

The planning proposal may result in a substantial increase in the amount of rural residential land available for development in Medowie. An exhibition period of at least 28 days should occur. Notice of the planning proposal, and all relevant documentation, will be placed in the local newspaper, on the Council website and in writing to adjoining landowners.

The government agencies proposed to be consulted include:

- Department of Environment, Conservation and Climate Change
- Rural Fire Service
- Hunter Water Corporation
- Energy Australia
- Roads and Traffic Authority
- Department of Primary Industries
- Department of Defence