

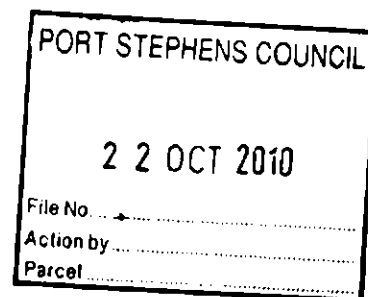


Environment, Climate Change & Water

Our reference: DOC10/46485; FIL06/925-08
Contact: Richard Bath, 4908 6805

Mr P Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Attention: Peter Marler



Dear Mr Gesling

RE: PLANNING PROPOSAL TO REZONE PART OF BOUNDARY ROAD, MEDOWIE

I refer to the meeting on 8 September 2010 at which Port Stephens Council sought advice from the Department of Environment, Climate Change and Water (DECCW) on a proposal to re-submit the above matter to the Department of Planning (DoP) for a Gateway Determination.

DECCW notes that the current Gateway Determination issued by DoP (dated 30 June 2010) stated that the Planning Proposal should not proceed for a number of reasons. These reasons included the need for consultation with the Department of Environment, Climate Change and Water and the Port Stephens Comprehensive Koala Plan of Management Steering Committee. It is also noted that DoP advised Council to seek the views of DECCW, particularly in relation to the impact of the proposal on vegetation communities outlined in Table 1 of the Planning Proposal.

The Department notes that the land considered within this proposal is located within the "Green Corridor" and outside of the nominated Medowie urban expansion area identified in the Lower Hunter Regional Strategy 2006 (LHRS). The LHRS (page 31) recognises the importance of large vegetated areas being linked via habitat corridors at a landscape scale. The strategy also notes that the most valued of these in the Lower Hunter is the Green Corridor. It also states, in relation to this corridor, that the combination of environmental values, hazards and the distance to serviced centres means that the area is unsuitable for new large scale urban development, other than building on the existing community at Medowie and employment land at Tomago and Williamstown.

DECCW also notes that the land being considered as part of this rezoning proposal is included in the "Green Corridor Lands" and not the "Urban Land (current and proposed)" of the Regional Strategy Update Report (2009).

The overarching goal for conservation in NSW is that biodiversity and other environmental values of soil, water quality and salinity, must be 'improved or maintained'. This means that the gains for biodiversity must be greater than or equal to any losses resulting from clearing or other forms of degradation of biodiversity values. This goal is also reflected within the NSW State Plan, the relevant provisions of the *Threatened Species Conservation Act 1995*, *Native Vegetation Act 2003*, and the Lower Hunter Regional Conservation Plan (2009).

DECCW does not support this current rezoning proposal due to environmental concerns and the location of the land within the Green Corridor identified in the LHRS and 2009 Update Report. The proposal, in its current form, does not provide adequate biodiversity offsets for the proposed impact of this urban development and the biodiversity offset package offered does not achieve an improve or maintain outcome. Further biodiversity offset measures (for example, modifications to development envelopes or further offsite biodiversity offsets) will be required if this development is to achieve an improve or maintain outcome for biodiversity.

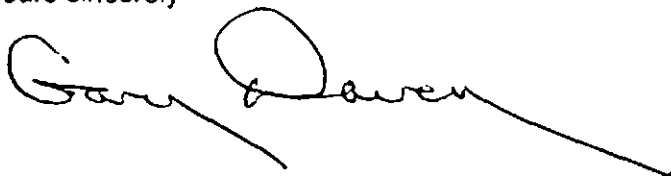
It is acknowledged that some parts of the proposed site are of lower biodiversity value and could potentially support some large lot rural residential development. However, the proposed rural residential lot size of between 1000 and 1500 square metres is unlikely to provide meaningful corridor functionality across the proposed residential areas.

If Council determines that it wishes to re-submit this rezoning proposal to DoP for Gateway Determination, the following additional information regarding the land proposed for rezoning to 1(c4) Rural Small Holdings would be required for further assessment:

- Detailed information regarding the current and potential future use of the 1(c4) area by threatened species with consideration to habitat requirements including movement paths, tree hollows and food trees.
- An assessment of the direct and indirect impacts of the project where it adjoins land reserved, or proposed to be reserved, under the *National Parks and Wildlife Act 1974*.
- Consideration of the proponent's Biobanking Credit Report ecosystem credits deficiency of over 900 credits, and impacts from the current proposal on identified "Red Flag" areas.
- Consideration of preferred Koala habitat, habitat links and buffer areas as mapped in the Koala Habitat Planning Map of the Port Stephens Council Comprehensive Koala Plan of Management (2002).
- Consideration of whether or not the proposal, including actions to avoid or mitigate impacts or compensate to prevent unavoidable impacts, will maintain or improve biodiversity values.
- Consideration of whether or not the proposal is likely to reduce the long-term viability of any local population of endangered species, population or ecological community.
- The manner in which the offset lands would be secured for biodiversity conservation in perpetuity.

If you have any enquiries concerning this advice, please contact Richard Bath, Acting Head Planning Unit - Hunter, on 4908 6805.

Yours sincerely



19 OCT 2013

GARY DAVEY
Director North East
Environment Protection and Regulation