

Planning Proposal – Pacific Dunes Medowie

Part 1 – Objectives or intended outcomes

1. To increase the availability and mix of housing at the established golf course estate to meet changing demand for housing in the area.
2. To sustainably increase the residential population of the estate and the Medowie township to assist with ongoing financial and environmental viability of the golf course estate.
3. To provide for the ongoing protection of environmentally sensitive land on the estate.

Part 2 – Explanation of provisions

Port Stephens Local Environmental Plan 2000

The Planning Proposal seeks amendment to Port Stephens Local Environmental Plan 2000 as follows:

- Rezone Part Lot 98 DP 280007, Lot 7 DP 270438, Lot 10 DP 270438, Part of Lot 9 DP 270438, Part of Lot 11 DP 1079392, Lot 11 DP 1105086 and Lot 14 DP 1079392 to 2(a) Residential.

The areas of the estate proposed to be rezoned are:

- 'Hillside Precinct (2)' from 1(c4) Rural Small Holdings to 2(a) Residential;
- 'Lakes Precinct' from 6(c) Special Recreation to 2(a) Residential;
- 'Links Precinct' from 6(c) Special Recreation to 2(a) Residential;
- 'Portmarnock Precinct' from 6(c) Special Recreation to 2(a) Residential; and
- 'Golf and Country Club Precinct' from 6(c) Special Recreation to 2(a) Residential.

The land to be rezoned is shown on the accompanying zoning map.

- Apply the following minimum allotment sizes:
 - 'Hillside Precinct (2)' 720m²;
 - 'Lakes Precinct' 450m²;
 - 'Links Precinct' 600m²;
 - 'Portmarnock Precinct' 450m²; and
 - 'Golf and Country Club Precinct' 200m².

Each precinct is shown on the accompanying precincts map.

Other precincts will maintain existing minimum allotment sizes.

- Amend Clause 54A *Development of Land - Medowie Road and South Street, Medowie (Pacific Dunes)* of Port Stephens Local Environmental Plan 2000 to read as follows:

This Clause applies to land within and in the vicinity of the Pacific Dunes Golf Course, Medowie Road and South Street, Medowie, as shown edged heavy black and lettered "Fairway Precinct", "Hillside Precinct (1)", "Hillside Precinct (2)", "Lakes Precinct", "Links Precinct", "Portmarnock Precinct", "Golf and Country Club Precinct" on the map marked "Pacific Dunes, Medowie, Precincts Map".

1. *Despite any other provision of this plan, consent must not be granted to the subdivision of, or the erection of a dwelling-house on, the land to which this clause applies unless:*
 - a. *Each lot to be created on so much of the land shown edged heavy black and lettered "Fairway Precinct" has a minimum area of 600 square metres, and*
 - b. *Each lot to be created on so much of the land shown edged heavy black and lettered "Hillside Precinct (1)" has a minimum area of 900 square metres, and*
 - c. *Each lot to be created on so much of the land shown edged heavy black and lettered "Hillside Precinct (2)" has a minimum area of 720 square metres, and*
 - d. *Each lot to be created on so much of the land shown edged heavy black and lettered "Lakes Precinct" has a minimum area of 450 square metres, and*
 - e. *Each lot to be created on so much of the land shown edged heavy black and lettered "Links Precinct" 600 square metres, and*
 - f. *Each lot to be created on so much of the land shown edged heavy black and lettered "Portmarnock Precinct" has a minimum area of 450 square metres, and*

g. Each lot to be created on so much of the land shown edged heavy black and lettered "Golf and Country Club Precinct" has a minimum area of 200 square metres, and

h. The proposed dwelling-houses will comply with the provisions of this plan relating to development on land within Zone No 2(a).

- Rezone Part of Lot 11 DP 1079392 to 7(a) Environment Protection.

The land to be rezoned to 7(a) Environment Protection is shown on the accompanying zoning map.

Draft Port Stephens Local Environmental Plan 2012

Port Stephens Council is separately proposing the implementation of a Standard Instrument Local Environmental Plan (referred to as the Draft Port Stephens Local Environmental Plan 2012). It will convert existing zones under the Port Stephens Local Environmental Plan 2000 to equivalent zones under the Standard Instrument Local Environmental Plan.

Although it is intended to amend Port Stephens Local Environmental Plan 2000, it is possible that the planning proposal will form an amendment to Draft Port Stephens Local Environmental Plan Local 2012, which would be achieved by applying equivalent zoning and maps.

The equivalent zones relevant to the Pacific Dunes Planning Proposal are:

- Residential 2(a) to R2 Low Density Residential (note: the R3 Medium Density Residential Zone will apply to the Golf and Country Club Precinct).
- 7(a) Environment Protection to E2 Environmental Conservation.

Copies of relevant maps for the purposes of Draft Port Stephens Local Environmental Plan 2012 are included with this Planning Proposal.

Part 3 – Justification

Section A – Need for planning proposal

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

There is a considerable body of strategic work that supports additional and diverse housing for Medowie.

Lower Hunter Regional Strategy

The town is identified as an urban growth area under the Lower Hunter Regional Strategy, with boundaries to be defined through local planning. Port Stephens Planning Strategy 2011-2036 and the Medowie Strategy 2009 also identify Medowie for future urban growth.

Port Stephens Planning Strategy 2011-2036

The Port Stephens Planning Strategy was adopted by Council at its meeting on 20th December 2011. It identifies Medowie as a Future Growth Area. Pacific Dunes Estate is not specifically mapped in the Port Stephens Planning Strategy because it is already subject to a development clause in the Port Stephens Local Environmental Plan 2000. The Planning Proposal, if supported, will be recognised in an updated Medowie Strategy and subsequently the Port Stephens Planning Strategy.

Medowie Strategy

The Medowie Strategy was prepared at a time when the Council and the then Department of Planning had determined to support for a 2008 Draft Local Environmental Plan that rezoned part of the site to 2(a) Residential. As a result the Pacific Dunes site is not specifically nominated for future urban development – as it was assumed at the time that the 2008 Draft Local Environmental Plan and associated residential development would proceed on the site.

At the Council meeting of 24 April 2012, at the time of adopting the Planning Proposal, the Council also resolved to *"Note that subject to the "Gateway determination" this Planning Proposal will be recommended as an amendment to the Medowie Strategy as part of the regular review process of that Strategy"*.

The amended proposal is consistent with the desired outcomes of the Medowie Strategy.

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

The Planning Proposal is the result of a very detailed site analysis and consideration of a range of options for the site, as well as comprehensive consultation with the residents of the Estate.

The Planning Proposal has the following features:

- There is no disturbance to the existing golf course;
- Minimises additional infrastructure needs due to the efficient layout and location;
- Achieves a superior ecological outcome, with minimal impact from additional development and the net gain of a substantial area of private land to be zoned for environmental protection;
- Achieves a superior residential lot yield and adds to the diversity of housing types across the estate as a whole;
- Will be coordinated with upgrades to the community facilities on the Estate and the construction of a new clubhouse.

In terms of the objectives or intended outcomes:

- 1. To increase the availability and mix of housing at the established golf course estate to meet changing demand for housing in the area.*

Pacific Dunes is a single large site unconstrained by land ownership fragmentation and is therefore ideal to accommodate some urban growth within the established urban area of Medowie. Additional land is to be zoned for residential development and a range of lot sizes, to accommodate a greater mix of housing types, will be provided on the Estate. The established residential golf estate contains the necessary infrastructure and facilities to accommodate increased housing. The Planning Proposal will add approximately 100 additional residential lots over and above those already existing or anticipated.

- 2. To sustainably increase the residential population of the estate and the Medowie township to assist with ongoing financial and environmental viability of the golf course estate.*

Increasing the residential population has been addressed above. The increased population and the residential land development will provide a financial base for maintaining the championship golf course as well as allow part of the Estate to be permanently zoned for the purpose of environmental protection rather than the current special recreation zone.

The site is zoned 6(c) Special Recreation and is in private ownership. There is limited land on the Estate zoned for environmental protection. The Planning Proposal will rezone more than 4.7 hectares to 7(a) Environment Protection, the highest zone for environmental protection under the Port Stephens Local Environmental Plan 2000.

- 3. To provide for the ongoing protection of environmentally sensitive land on the estate.*

As mentioned above, 4.7 hectares of environmentally sensitive land is proposed to be rezoned to 7(a) Environment Protection under the Planning Proposal. This is additional to 11.14 hectares of the Estate that is already zoned 7(a) Environment Protection under the Port Stephens Local Environmental Plan 2000.

Overall, the Estate will provide for the retention of 30.23 hectares of native vegetation, to be managed in accordance with a Vegetation and Fauna Management Plan.

Is there a net community benefit?

The Planning Proposal will provide a net community benefit as follows:

- The rezoning of over 4.7 hectares of private recreation land to environmental protection;
- The provision of a diversity of housing choice to service a wide range of demand in the locality and the region;
- Containment of new residential development within the existing urban footprint of Medowie, thereby assisting in protecting existing rural residential areas from housing pressure;
- Through the expansion of the existing site specific development control provisions for the Estate the resultant outcome will be high quality urban development within the already well regarded residential/recreational precinct;
- The increase in residential population will positively contribute to the economic viability and prosperity of the Medowie township, supporting existing retail and business services; and
- The increase in housing and resident population will assist with the financial sustainability of the golf course.

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?

The Planning Proposal will increase residential development across the Estate and is consistent with the Lower Hunter Regional Strategy.

Medowie is identified in the hierarchy of centres within the region as a "Town". The Strategy identifies the key functions of a town as a "shopping business centre for the district, including health and professional services mixed with medium and higher density residential" (Lower Hunter Regional Strategy Main Map).

The anticipated regional population increase in the period 2006-2031 is 160,000, providing a total of 675,000 by 2031. In order to accommodate this population growth an additional 115,000 new dwellings will be required, with 60% in new release areas and 40% in established urban areas.

The Lower Hunter Regional Strategy identifies sufficient land release to supply approximately 69,000 new dwellings, being the 60% of total required. The Strategy generally

identifies individual release areas greater than 50 hectares, however identifies that areas less than 50 hectares may be developed if consistent with the principles of the Strategy and identified within an endorsed local strategy.

The Port Stephens Local Government Area is identified as providing 7,200 of the 69,000 new dwellings in new release areas for the region. Among the Actions for local councils within the Lower Hunter Regional Strategy, is that Councils will plan for a range of housing types of appropriate densities, location and suitability that are capable of adapting and responding to the aging of the population.

Housing

Key actions within the Lower Hunter Regional Strategy that are relevant to Medowie and to the Pacific Dunes Estate and which are achieved with this Planning Proposal are:

- Concentration of activities along a transport route; and
- Contributing to dwelling projections for lower order centres consistent with local strategies that address urban consolidation and intensification in urban areas.

The Lower Hunter Regional Strategy identifies the need for more compact settlements in meeting housing targets. In achieving more compact urban settlements, the Lower Hunter Regional Strategy seeks to facilitate greater housing opportunities within and adjoining the Region's centres, specifically:

- New dwellings in renewal corridors;
- General urban infill on existing zoned but undeveloped land; and
- On land within proximity to centres.

The Medowie urban area is surrounded by a number of constraints to new release areas, as identified by the Council in the Medowie Strategy. As a result there is a particular emphasis on new development occurring within the existing urban foot print where possible and practicable.

The development of the Pacific Dunes site for a mix of additional housing is consistent with the proposed growth under the Lower Hunter Regional Strategy. The site is located with direct access to the major transport route through the town and in close proximity to the centre of the town.

Transport

The desired transport outcome of the Lower Hunter Regional Strategy is to integrate land use and transport planning to connect homes, employment and services, minimising the need to travel and encouraging energy and resource efficiency.

The key action relevant to this Planning Proposal is to concentrate employment and residential development in proximity to public transport to maximise transport access.

By locating increased housing adjacent to the major transport corridor (Medowie Road), in close proximity to an existing bus services and close to major employment lands such as Williamstown RAAF Base, the Planning Proposal is consistent with the desired transport outcomes of the Lower Hunter Regional Strategy.

Environment and Natural Resources

The potential for biodiversity impact is reduced by increasing the proportion of dwellings built in existing urban areas, whilst new development will be directed away from areas known for their biodiversity significance.

This Planning Proposal will ensure that a majority of the site, some 73 hectares, will remain open space, in the form of a golf course. In addition, the Planning Proposal will deliver an additional 4.7 hectares of privately owned land to be zoned for environmental protection.

The Planning Proposal will assist in achieving these outcomes by concentrating more housing within the established urban footprint of Medowie and also retaining and rezoning ecologically significant land for ongoing environmental protection.

Water

The Lower Hunter Regional Strategy identifies the need to protect limited water supplies with a desired outcome being the promotion of water sensitive urban design in residential development.

The Planning Proposal, in consolidating a variety of additional housing within an established precinct, introducing small lot housing and detailed development control provisions for urban design and landscaping will achieve the desired outcome.

In summary, the Planning Proposal is consistent with the Lower Hunter Regional Strategy as follows:

- Pacific Dunes Estate is located within the existing Medowie urban area in close proximity to existing town services;
- Additional housing is capable of being accommodated within the site;
- Medowie is identified in the LHRS as a town to accommodate population growth over the next 25 years;
- The site is well serviced by existing transport infrastructure and services. Any additional demand on services and infrastructure will be met entirely by the Proponent with no cost to local or State government;

- Environmental constraints on the site such as flooding and bushfire protection are capable of being addressed through appropriate site planning, as demonstrated in the details of the Planning Proposal;
- Ecologically significant and sensitive land will be protected through appropriate land use zoning; and
- The Planning Proposal will provide a diversity of housing types not otherwise available in the locality and will assist in servicing the major employment lands in the locality, including Williamtown RAAF Base.

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

Council has a suite of Integrated Strategic Plans incorporating the Port Stephens 2021 Community Strategic Plan, Delivery Program 2011-2015 and Operational Plan 2011-2012. The relevant Direction is 'Sustainable Development':

"Provide clarity about the long-term development pattern and capacity of Port Stephens for the development industry, investors and the community; and protect and maintain the unique natural aesthetics and heritage assets of the LGA through compliance enforcement."

The Planning Proposal is consistent with this Direction. The land is already subject to development under Clause 54A of the Port Stephens Local Environmental Plan 2000, and in due course the site will be reflected in an update to the local Medowie Strategy.

The Community Strategic Plan measures are housing affordability, quality of life, and environmental management. The Planning Proposal will provide additional and varied housing stock and includes environmental management measures through the proposed Vegetation and Flora Management Plan, and by rezoning land for environmental protection.

It is a requirement of the Operational Plan 2011-2012 to identify suitable land for rezoning. The Planning Proposal is implementing the Operational Plan by identifying and delivering land for housing.

The Port Stephens Planning Strategy 2011-2036 was adopted by Council at its meeting on 20th December 2011. It identifies Medowie as a Future Growth Area. Pacific Dunes Estate is not specifically mapped in the Port Stephens Planning Strategy because it is already subject to a development clause in the Port Stephens Local Environmental Plan 2000. The Planning Proposal, if supported, will be recognised in an updated Medowie Strategy and subsequently the Port Stephens Planning Strategy.

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

State Environmental Planning Policy No 55—Remediation of Land

Coffey Environments carried out a review of the following previous reports prepared for the Pacific Dunes development:

- Coffey Partners International Pty Ltd (2002) Proposed Golf Course – Medowie, Groundwater Assessment and Preliminary Management Plan, reference N08136/01-AD, 15th April 2002; and
- Coffey Geosciences Pty Ltd (2002) Proposed Golf Course – Medowie, Water Quality Management Plan, reference N08136/01-AC, 7th May 2002.

The above reports were not prepared to strictly consider the current intensity and extent of residential land use currently proposed.

The recent review prepared for this Planning Proposal provides the following discussion and conclusion on contamination:

"The previous available reports reviewed provide data on groundwater and surface water quality in the general golf course area. Data specific to the actual site of the development was not available.

The site has been used in the past for mineral sand mining. The main contamination impacts from sand mining are considered to be elevated metal concentrations in groundwater, and surface water. Sand mining generally does not cause contamination of soils although soils in mining areas tend to have naturally occurring higher concentrations of metals.

Coffey (2002) provided the results of sampling and analysis of eight water samples, five groundwater samples and three surface water samples. The samples were tested for a range of analytes, including aluminium, iron, lead and zinc.

[refer directly to table in Coffey advice dated 13th August 2010 for table of results]

A comparison of the results to the criteria showed:

- *Concentrations of lead exceeded the ANZECC (2000) trigger value in groundwater samples, but not in the surface water samples, and concentrations of lead exceeded the NHMRC (2004) criteria in both groundwater and surface water;*

- *Concentrations of zinc exceeded the ANZECC (2000) trigger value in both groundwater and surface water. No NHMRC (2004) criteria is available for zinc.*
- *No trigger values are available for iron, or aluminium in water with a pH less than 6.5.*

Based on this data, it appears that there are elevated concentrations of lead and zinc in the groundwater, and the groundwater should continue to be managed in accordance with the Water Quality Management Plan.

Extraction of groundwater within the Pacific Dunes grounds is prohibited due to the property being located over the Tomago Sand Beds. Therefore, the elevated groundwater concentrations are unlikely to be a constant for the future residential development as residents will be unable to use groundwater.

The previous reports did not address soil contamination. Although in general it would appear that the potential for soil contamination would be low, direct assessment would be required to verify this. It is possible that some imported soil (of unknown origin and quality) was used to prepare this area of the golf course. Golf course operations such as application of fertilisers/herbicides could potentially have some residual impact. It would be recommended that some sampling of these materials be carried out prior to development to check for the presence of contamination."

(Coffey Environments, August 2010, Pages 5-6)

The review of previous reports by Coffey Environments shows that additional direct assessment will need to be carried out to check for the presence of contamination in order to satisfy SEPP 55.

State Environmental Planning Policy No 44 – Koala Habitat Protection

SEPP 44 is implemented in the Port Stephens local government area through the Port Stephens Comprehensive Koala Plan of Management (CKPoM). Consultant Eco Logical has undertaken a detailed assessment addressing the CKPoM rezoning performance criteria in the accompanying Ecological Investigations Report and Vegetation and Fauna Management Plan (Eco Logical Australia, February 2012). The relevant section is reproduced below:

Figure 1 SEPP 44 Koala Habitat Assessment

6.2 SEPP 44 – KOALA HABITAT PROTECTION

Preferred Koala Habitat is the highest Koala habitat category of the Port Stephens CKPoM and should receive the highest level of protection. Preferred Habitat Buffer provides a protection zone surrounding Preferred Koala habitat to avoid the impact of “edge effects” and to provide an extension of significant Koala activity (PSC 2002). Preferred Habitat Linking areas may provide opportunities for the successful movement of Koalas between breeding populations or into areas of vacant habitat. They may also provide for the establishment of Koala home range areas, depending upon their size and the quality of habitat they contain. Habitat Linking Areas which overlap with Mainly Cleared Land may still perform such functions. Habitat Linking Areas are to be subject to the same criteria as Supplementary Koala Habitat (PSC 2002).

Rezoning applications must demonstrate that they comply with the objectives of the CKPoM Performance Criteria for Rezoning (PSC 2002).

Consideration is to be given to the following matters when Council is assessing rezoning requests including any amendment to the Port Stephens LEP. In particular Council should be satisfied that the rezoning would consider or meet the performance criteria provided in Table 3 below.

Table 4: Port Stephens Council CKPoM rezoning performance criteria.

PERFORMANCE CRITERIA FOR REZONING	DISCUSSION OF REZONING PROPOSAL
a) Not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers;	The rezoning proposal will result in the removal of an area of Preferred Koala Habitat, areas of Preferred Habitat Buffer over Cleared and Marginal Habitat and areas of Preferred Habitat Linking areas over Marginal Habitat (Figure 8).

PERFORMANCE CRITERIA FOR REZONING	DISCUSSION OF REZONING PROPOSAL
	The area of native vegetation proposed to be modified is a combination of Coastal Sand Smooth-barked Apple (7.34 ha) and Swamp Mahogany - Paperbark Forest (1.29 ha) in various condition (Table 3). There are some SEPP44 primary browse trees (namely Swamp Mahogany) within this area, the majority of primary browse trees are retained in the remaining vegetation. It should be acknowledged that the mapping for the CKPoM provided in Figure 8 is based on broader Koala mapping in the Tillegerry Medowie area and is therefore subject to some inaccuracies. Based on the observations made during the site assessment, the areas mapped as Preferred Koala Habitat in the CKPoM mapping does not accurately reflect the quality/value of Koala habitat on the ground. In particular, the area within the western proposed residential zone is characterised by 20-30 year old regrowth dominated by Smooth-barked Apple (<i>Angophora costata</i>), a species not known for providing important forage for Koalas. The lack of structural complexity of this regrowth area and Koala feed trees also lowers the potential use of the area by Koalas. This regrowth area has been specifically targeted in the CKPoM as area suitable for Koala habitat restoration projects. Koala scat trees and a Koala sighting occur in an area of Swamp Mahogany – Paperbark Forest that would be removed. Although this area is mapped as Preferred Habitat Linking Area over Marginal Habitat and Preferred Habitat Buffer over Marginal Habitat, it is considered Preferred Koala Habitat due to the activity recorded in the area. 6.92 ha of Preferred Koala habitat and Preferred Habitat Buffer over Marginal Land in the study area would be rezoned to 7(a) Environmental Protection. A V&FMP has been prepared, which stratifies the study area in to differing land use management zones, as a further measure. This plan is provided in Appendix C and includes actions that mitigate both direct and indirect impacts. These actions will include management to improve the condition of the remaining vegetation, design control measures to reduce known Koala threats (ie traffic, dog attack and pool drowning threats). Compensatory plantings of browse trees within these zones has also been recommended (refer to Appendix C).
b) Allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas	No Supplementary Koala Habitat area will be affected by the proposal. Small portions of Preferred Habitat Linking areas would be affected by the proposed rezoning. These portions constitute Coastal Sand Smooth-barked Apple post-sand mining

PERFORMANCE CRITERIA FOR REZONING	DISCUSSION OF REZONING PROPOSAL
	rehabilitation/regrowth. The Preferred Habitat Linking mapped in the Swamp Mahogany – Paperbark Forest has been discussed in a) above.
c) Minimise the removal of any individuals of preferred Koala food trees, where ever they occur on the site; and	Several trees identified within the CKPoM occur within the proposed modification area, including young regenerating Smooth-barked Apple, Swamp Mahogany and Broad-leaved Paperbark. The proposed rezoning has been designed to avoid removal of areas containing known browse trees as much as possible and has focused on retaining larger areas of less disturbed and connected remnant forest. Compensatory plantings have been recommended as part of the V&FMP in Appendix C.
d) Not result in development which would sever Koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimizing the likelihood of impediments to safe/unrestricted Koala movement.	The positioning of the area proposed to be modified has factored in the retention of remnant native vegetation either in large patches or as existing fairway buffer vegetation to maintain the level of existing connectivity within the site. The V&FMP has aimed to strategically direct Koala movement around the residential area, though away from potential threats such as domestic pets and traffic. Potential impediments such as fences, internal roads and traffic are to be managed via the V&FMP.

Whilst it is acknowledged that the rezoning proposal does not strictly conform with the performance criteria (specifically a and b), the current plan is the result of workshopping several different options of various ecological sensitivity. The current proposal aims to balance development yield with an appropriate level of impact on ecological values of the site. The current plan allows for the retention of patches containing remnant senescent vegetation, the majority of EEC vegetation, areas considered important for Koala and retains connection through the study area. The proposed rezoning of 6.92 ha of EEC to 7(a) Environmental Protection is considered a positive step in preserving Preferred Koala Habitat and associated buffer areas. Development and implementation of the V&FMP is a further measure that avoids and mitigates potential impacts. Therefore, on balance the proposal is an attempt to achieve an ecologically sensitive approach, both for Koala and other flora and fauna, to development on the site.

(Eco Logical, February 2012, Pages 29-31)

The Planning Proposal does not strictly conform with Performance Criteria (a) and (b) as identified in the above Table. Mitigation measures are proposed to address non-conformance with the performance criteria and impacts generally and are summarised in the Table. The Ecological Investigations Report makes the following recommendations:

- *"Areas of High and Moderate Constraint are to be the focus of areas to be retained and managed to at least maintain and hopefully improve ecological values (Note: avoiding all areas of High and Moderate Constraint was not considered feasible by the proponent, though these areas have been retained wherever possible).*
- *Areas of Low and Moderate – Sand Mining Regeneration should be the focus of development or impact zonings.*
- *A pre-clearing survey should be conducted prior to the clearing of any native vegetation. This survey is to be undertaken by a suitably qualified ecologist and should include stag-watching of hollow-bearing trees planned for removal.*

- *A suitably qualified ecologist should be present during the removal of hollow-bearing trees. The process of removal should be as per the ecologists' directions and include tapping the tree 24 hours prior to removal and leaving the felled tree in situ for 48 hours.*
- *The area of Swamp Sclerophyll Forest EEC in the eastern portion of the study area is recommended to be rezoned for conservation and appropriately managed via the Vegetation and Fauna Management Plan.*
- *Direct impacts on Swamp Sclerophyll Forest EEC are to be designed to minimise habitat isolation and fragmentation.*
- *Management and revegetation/bush regeneration within the study area is to be implemented in accordance with the Vegetation and Fauna Management Plan (refer to Appendix C and below).*
- *Roads within the proposed residential area have been designed to be narrow and therefore limit traffic speed; however, traffic control measures such as speed humps and pedestrian crossings are recommended to further reduce traffic collision risk.*
- *Retain hollow bearing trees as much as possible within the golf course redesign."*

(Eco Logical, February 2012, Page 33)

Compliance with the SEPP is analysed in detail in the Ecological Investigations Report supporting the Planning Proposal.

State Environmental Planning Policy (Rural Lands) 2009

Notwithstanding that part of the site proposed to be rezoned is currently zoned 1(c4) Rural Small Holdings, the land is not for prime agricultural use and is not a productive or valuable agricultural resource. The existing zoning stems largely from the large lot sizes applicable.

Rezoning some of the existing Hillside lots to 2(a) Residential with an amendment in minimum subdivision size from 900m² to 720m² will not undermine the objectives or provisions of the SEPP.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

There is a range of Section 117 Directions requiring certain matters to be addressed if they are affected by a proposed Local Environmental Plan. An assessment against these is included below.

1.2 Rural zones

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

The site is not used for agricultural purposes, notwithstanding existing Hillside Precinct being zoned 1(c4) Rural Small Holdings. There will be no loss of productive agricultural land.

1.5 Rural lands

The objective of this Direction is 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.

As mentioned above, while some of the Estate is zoned 1(c4) Rural Small Holdings and is proposed to be rezoned 2 (a) Residential, there will be no loss of productive agricultural or rural land.

In the context of this particular application, it requires planning proposals to be consistent with the rural subdivision principles listed within State Environmental Planning Policy (Rural Lands) 2008. The Planning Proposal is consistent with this Direction.

2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. A planning proposal:

- Must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- Must, if it applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP, not reduce the environmental protection standards that apply to the land.

The Planning Proposal includes the rezoning of 4.7 hectares of environmentally sensitive land from zone 6(c) Special Recreation to 7(a) Environment Protection as shown on the proposed zoning map.

There is no rezoning and no proposed development on land already zoned for environmental protection.

The Direction provides that a planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning and Infrastructure (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) *justified by a strategy which:*

i. gives consideration to the objectives of this direction,

ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

- iii. is approved by the Director-General of the Department of Planning, or*
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) is of minor significance.*

In response to the above, any inconsistency with this Direction is justified for the following reasons:

- (a) If the land is rezoned it is proposed to update the Medowie Strategy to reflect the Planning Proposal. The Medowie Strategy and the Port Stephens Planning Strategy are not approved by the Director-General.*
- (b) The Planning Proposal is supported by the Ecological Investigations Report which gives consideration to the objectives of this Direction.*

Future development is proposed within an area of approximately 16 hectares, of which approximately 12 hectares is already cleared within the existing golf course or identified for development for residential purposes under the existing planning controls. Approximately 11 hectares is already zoned 7(a) Environment Protection is maintained and a further 4.7 hectares is added under the Planning Proposal. In terms of High Constraint vegetation, 6.62 hectares (80%) of the Swamp Mahogany - Paperbark Forest (EEC) is maintained and 0.07ha (100%) of the Coastal Sand Apple- Blackbutt Forest is maintained. In terms of the Moderate Constraints vegetation, 10.20ha (83%) of the Coastal Sand Apple- Blackbutt Forest is maintained (refer to Page 28 of the Ecological Investigations Report for a breakdown of the areas maintained and protected under the Planning Proposal – also included in a later section within this Planning Proposal).

To manage and mitigate environmental impacts the Ecological Investigations Report makes the recommendations detailed in Table 1 below. Comments on how the Planning Proposal responds to these recommendations are included.

Table 1 Ecological Investigations Report - Recommendations and Response in Planning Proposal

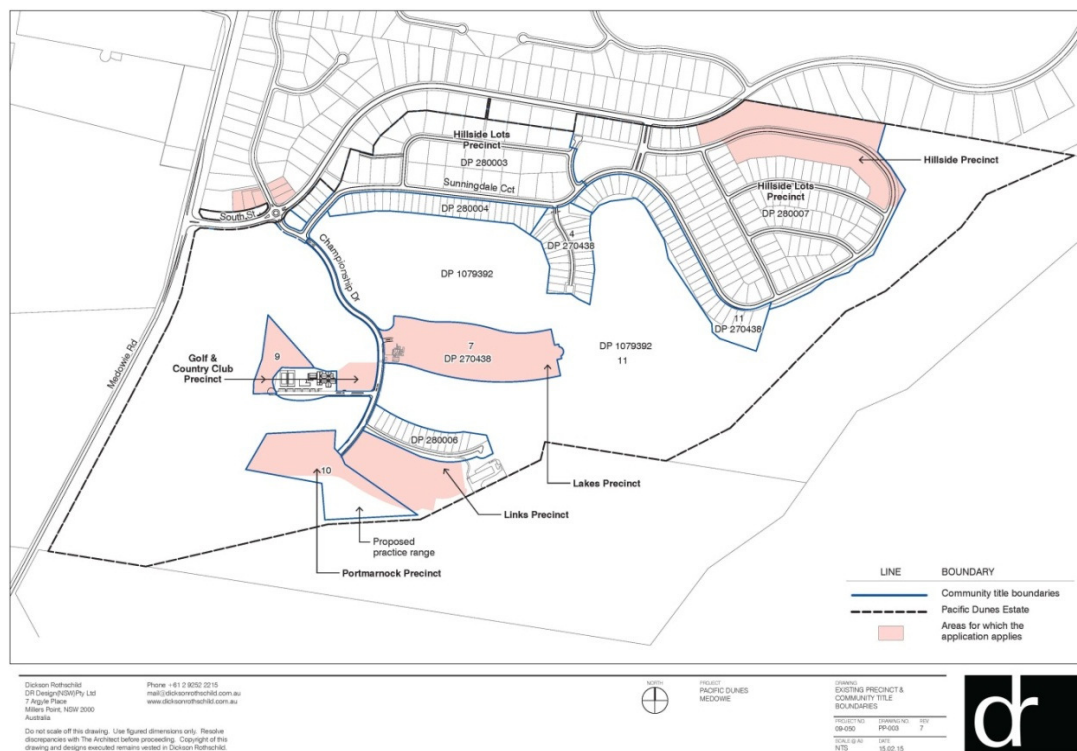
Ecological Investigations Report - recommendations regarding environmentally sensitive land	Response in Planning Proposal
Areas of High and Moderate Constraint are to be the focus of areas to be retained and managed to at least maintain and hopefully improve ecological values (Note: avoiding all areas of High and Moderate Constraint was not considered feasible by the proponent, though these areas have been retained wherever possible).	An area of over 4.7 hectares is proposed to be zoned 7 (a).
Areas of Low and Moderate – Sand Mine Regeneration should be the focus of development or impact zonings.	The footprint of development that would result from the PP reflects this recommendation.
A pre-clearing survey should be conducted prior to the clearing of any native vegetation. This survey is to be undertaken by a suitably qualified ecologist and should include stag-watching of hollow-bearing trees planned for removal.	These are DA related matters and can be addressed at this future stage.
A suitably qualified ecologist should be present during the removal of hollow-bearing trees. The process of removal should be as per the ecologists' directions and include tapping the tree 24 h prior to removal and leaving the felled tree in situ for 48 hours.	These are DA related matters and can be addressed at this future stage.
The area of Swamp Sclerophyll Forest EEC in the eastern portion of the study area is recommended to be rezoned for conservation and appropriately managed via the V&FMP.	The PP follows this recommendation.
Direct impacts on Swamp Sclerophyll Forest EEC are to be avoided if at all possible during the development of the golf course.	The PP ensures that 100% of high constraint Coastal Sand Apple-Blackbutt Forest is retained and 80% of high constraint Swamp Mahogany - Paperbark Forest (EEC) is retained. Of the overall vegetation to be cleared (vast majority low to moderate

	constraint) 14.38 hectares is within the existing golf course use area or existing residential area under Clause 54A of the Port Stephens Local Environmental Plan 2000 and Port Stephens Development Control Plan 2007. This recommendation has been followed in the PP.
Any required direct impacts on Swamp Sclerophyll Forest EEC are to be designed to minimise habitat isolation and fragmentation.	See above comment.
Management and revegetation/bush regeneration within the study area is to be implemented in accordance with the V&FMP (refer to Appendix C and below).	These are DA related matters and can be addressed at this future stage.
Roads within the proposed residential area have been designed to be narrow and therefore limit traffic speed; however, traffic control measures such as speed humps and pedestrian crossings are recommended to further reduce traffic collision risk.	These are DA related matters and can be addressed at this future stage.
Retain hollow bearing trees as much as possible within the golf course redesign.	These are DA related matters and can be addressed at this future stage.

(c) Refer to response to Direction 5.1 Implementation of Regional Strategies of this Planning Proposal.

(d) The Planning Proposal is seeking a modification of an existing development footprint. There are existing provisions within the current Port Stephens Local Environmental Plan 2000 and Port Stephens Development Control Plan 2007 that allow residential development on the 6(c) Special Recreation zoned land including land that is vegetated. The previously anticipated development footprint (inclusive of residential and tourist accommodation) is shown in Figure 2 below in blue.

Figure 2 Existing Precinct & Community Title Boundaries



3.1 Residential Zones

The objectives of this Direction are:

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

The Planning Proposal meets all of the objectives. The Planning Proposal will increase both the availability of land zoned for residential development and also to provide a variety and choice, with a range of minimum of sizes. The Estate is well serviced by existing infrastructure and the Planning Proposal is a sensible and practical planning outcome for increasing housing within the Medowie urban area. It will not result in the loss of any resource lands and will increase the area of land zoned for environmental protection.

3.4 Integrating Land Use and Transport

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

By providing for future housing within an established Estate and within the Medowie urban area already serviced by public transport options and an established road network the Planning Proposal meets the objectives of this Direction.

3.5 Development Near Licensed Aerodromes

The objectives of this Direction are:

- (a) to ensure the effective and safe operation of aerodromes, and*
- (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and*
- (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

Williamstown RAAF Base is near to the subject site. Acknowledging the future requirements and potential operational change to this facility, the Proponent commissioned specialist advice relating to the existing and proposed development on the estate from consultant Wilkinson Murray Acoustic and Air. In particular the specialist acoustic advice includes consideration of the new Joint Strike Fighter to the Base.

The Council has adopted an updated Aircraft Noise Policy 2010 (notified in September 2011). The Policy acknowledges the proposed introduction of the Joint Strike Fighter in 2018 and the associated review of the ANEF maps by the Department of Defence.

Based on the Council's current Aircraft Noise Policy 2010, the subject site is outside the 20 ANEF contour under the 2025 ANEF, and outside the Aircraft Noise Planning Area (combination of the 2025 ANEF and former 2012 ANEF). As a result the Planning Proposal is consistent with this Direction.

4.1 Acid Sulfate 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 sulfate soils.

This Direction applies because the land is mapped as having the potential for comprising Class 3, Class 4 and Class 5 Acid Sulfate Soils.

Existing Clause 51A *Development on land identified on Acid Sulfate Soils Planning Map* of the Port Stephens Local Environmental Plan 2000 address the issue of Acid Sulfate Soils. It provides that a person must not, without development consent, carry out works of the kind listed below except as otherwise provided by the Clause, and requires consideration of an Acid Sulfate Soils Management Plan.

- Class 3 (Works more than 1 metre below the natural ground surface, works likely to lower the water table to a depth of more than 1m below the natural ground surface);
- Class 4 (Works more than 2m below the natural ground surface, works likely to lower the water table to a depth of more than 1m below the natural ground surface); and
- Class 5 (works within 500m of Class 1,2,3 or 4 land which are likely to lower the water table below 1m AHD on the adjacent Class 1,2,3 or 4 land).

A matter to consider when determining consistency with this Direction is that the Pacific Dunes Estate is already zoned to facilitate residential development under the Port Stephens Local Environmental Plan 2000. The Planning Proposal is only seeking to alter an existing development footprint that is permissible with consent.

Coffey Environments were commissioned by the Proponent to provide updated advice for the Planning Proposal, given their long standing knowledge, past report preparation and past analysis of the estate (on which they were able to build and expand). Based on this history of knowledge and analysis, and taking into account the likely future development, Coffey Environments have concluded that the upper portions of the soil profile that are likely to be disturbed as part of the proposed development are unlikely to be potential or actual acid sulfate soils.

The Planning Proposal is consistent with the existing framework for considering acid sulfate soils under Port Stephens Local Environmental Plan 2000 and is considered to be consistent with this Direction.

4.3 Flood Prone Land

This Direction applies because the land is mapped in part as flood prone.

Two recent flood studies have been prepared that are relevant to the Planning Proposal.

The owner of the estate undertook a detailed flooding analysis of the site and established areas appropriate for future residential development, as well as a relevant flood planning level. This detailed technical analysis was provided to the Council in August 2010 at the

original time of lodgement for a request to prepare a Planning Proposal. Included was a detailed hydraulic model of the Pacific Dunes site (refer to DHI, 2010) which included modelling existing conditions and the proposed development, and considered that the 9 hour and 36 hour storm durations were critical at the site.

Since the flood assessment by DHI in August 2010 Council has adopted the Medowie Flood Study (WMA Water, 2011). The Medowie Flood Study has determined that storm duration is the critical factor for flooding issues, particularly in the lower part of the Medowie Catchment and including Pacific Dunes Estate, and that the 72 hour storm duration is a critical consideration.

As a result of this more recent analysis, as well as changes to the proposed layout of the estate initiated by the owner, Council requested further work be undertaken by the owner's consultant with particular focus on storm duration. The layout and footprint of the current Planning Proposal is based on the latest 72 hour flood analysis and using the hydraulic model prepared by DHI. Updated flooding maps are included showing pre and post development flood extents for the 1% Annual Exceedence Probability flood 72 hour event that indicate, at this stage of the planning process, no significant off-site or on-site impact.

Council may require that further modelling be undertaken using the 2011 model developed by WMA for the Medowie Flood Study following a Gateway Determination and prior to any public exhibition. This further modelling may influence the final layout and footprint of new residential development and the associated residential zoning boundaries.

A matter to consider when determining consistency with this Direction is that the Pacific Dunes Estate is already zoned to facilitate residential development under the Port Stephens Local Environmental Plan 2000. The Planning Proposal is only seeking to alter an existing development footprint and is not seeking an extensive expansion of developable land.

Council will consult with the Office of Environment and Heritage on this matter and provide all relevant information for assessment by that Office following a Gateway Determination.

At this time the flood studies indicate that any inconsistency with this Direction is minor and will be further addressed following a Gateway Determination.

4.4 Planning for bushfire protection

The objectives of this Direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) to encourage sound management of bush fire prone areas.*

The Planning Proposal includes an Assessment of Bushfire Risk prepared by Peak Land Management. A copy of the assessment is attached. It states:

"PEAK LAND MANAGEMENT PTY LTD has been engaged by EDM on behalf of RCL - Pacific

Dunes to prepare a Bushfire Rezoning Report for a proposed residential rezoning of land located at Pacific Dunes Golf Course, Sunningdale Circuit, Medowie (Figures 1, 2 and 3).

Under the Environmental Planning and Assessment Act, 1979 (and its regulations), and the Rural Fires Act 1997 (and its regulations), councils are required to assess and control new developments in Bushfire Prone Areas. This land has been assessed as being part of a Bushfire Prone Area and is therefore subject to this legislation. LEP amendments in bushfire prone areas need to address the planning principles of Planning for Bushfire Protection (PBP), 2006. These are:

- a) Provision of a perimeter road with two way access which delineates the extent of the proposed development;*
- b) Provision, at the urban bushland interface, for the establishment of adequate Asset Protection Zones for future housing;*
- c) Specifying minimum residential lot depths to accommodate Asset Protection Zones for lots on perimeter roads;*
- d) Minimizing the perimeter of the area of land interfacing the hazard, which may be developed;*
- e) Introduction of controls which avoid placing inappropriate developments in hazardous areas; and*
- f) Introduction of controls on the placement of combustible materials in Asset Protection Zones.*

It should be noted that Section 117 Direction Number 19 of the EP&A Act requires councils in regard to LEP amendments/rezoning to:

- Consult with the Commissioner of the Rural Fire Service under Section 62 of the EP&A Act , and to take into account any comments by the commissioner; and*
- Have regard to the planning principles of PBP below.*
- If a council does not comply with these provisions it must obtain written advice from the Rural Fire Service Commissioner that the Rural Fire Service does not object to that non compliance.*

This report aims to address PBP, 2006 requirements so consideration may be shown by Council/Rural Fire Service to allow rezoning approval."

(Peak Land Management, August 2010 and updated December 2011, Page 5)

The assessment makes it clear that the site is in a bushfire prone area and that consultation with the RFS is required following receipt of a Gateway Determination. It concludes:

"The proposed residential subdivision rezoning layout has adequate provision for all bushfire planning principles. These include:

- Asset Protection Zones – adequate land over private property available for APZ varying in width from 20-25m (as shown in a draft planning format Figures 6 & 7);*
- Sealed road network with a combination of two way perimeter roads, and where a perimeter road is not proposed fairways/practice fairways providing adequate APZs/reduced vegetation zones & defensible space;*
- Acceptable lot depths (vary but generally sufficient to allow adequate building envelopes and setbacks to bushfire prone vegetation);*
- Modern services including underground power and reticulated water services; and*
- The subdivision will comply with subdivision requirements as per PBP, 2006 and all dwellings will also be subject to AS 3959-2009, and comply with those requirements.*

The bushfire risk is considered to be adequately managed through the planning provisions designed for the development as shown above. The proposed rezoning development meets the intent of PBP, 2006, subject to consent conditions allowing removal of vegetation for required Asset Protection Zones from Port Stephens Council."

(Peak Land Management, August 2010 and updated December 2011, Page 15)

The Planning Proposal is consistent with this Direction. As mentioned above, the Planning Proposal will require referral to the Rural Fire Service for opinion following a Gateway Determination.

5.1 Implementation of Regional Strategies

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The Planning Proposal is consistent with the Lower Hunter Regional Strategy. Medowie is identified as a Proposed Urban Area with boundaries to be defined through local planning. The Council has resolved to include the site within the Medowie Strategy following a positive Gateway Determination.

6.1 Approval and Referral Requirements

The objective of this direction is to ensure that local environmental plan provisions encourage the efficient and appropriate assessment of development. A planning proposal must minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained approval.

The Planning Proposal does not contain provisions of the nature described in the Direction and so is consistent with the Direction.

6.3 Site specific provisions

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

There exist site specific provisions for the Pacific Dunes Estate already within the Port Stephens Local Environmental Plan 2000, at Clause 54A. It is proposed that these provisions be amended as outlined in Part 2 Explanation of provisions of this Planning Proposal.

There will be no additional provisions arising from the Planning Proposal.

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?

This matter is addressed within the Planning Proposal and more specifically by way of the Ecological Investigations Report prepared for the Proponent. It concludes that:

"Two vegetation communities were found to occur within the study area, being the Coastal Sand Apple Blackbutt Forest and Swamp Mahogany - Paperbark Forest. The Swamp Mahogany – Paperbark Forest is synonymous with the Swamp Sclerophyll Forest EEC.

Six threatened or migratory fauna species and one threatened flora species are known to occur within the study area. An additional 18 threatened or migratory

species are considered likely to occur within the study area, based on suitable habitat.

The following direct impacts on flora and fauna are anticipated from the proposal: Clearing or modification of approximately 9.70ha of native vegetation from the study area, including 2.36ha of Swamp Sclerophyll Forest EEC. Of the 9.70ha, 3.51ha is already zoned for development and is subject to existing Development Applications – the intention of rezoning this portion of land is to allow for smaller lot sizes than currently allowable.

The rezoning would allow for the retention of 30.23ha of native vegetation, including 6.62ha of Swamp Sclerophyll Forest EEC which is to be set aside as 7(a) Conservation and managed in accordance with the V&FMP. Of the 30.23ha, 11.14ha is already zoned 7(a) Conservation and will remain as such and be managed in accordance with the V&FMP.

It is noted that several options have been reviewed, including various configurations of the golf course. The current plan, whilst rezoning areas of high ecological value for development, is considered on balance to be a reasonable outcome that would avoid significant impacts at a subsequent development application stage.

The Port Stephens Council CKPoM has been addressed and recommendations in the Eco Logical report provide measures to further reduce the overall impacts of the proposal. In addition, a Vegetation and Fauna Management Plan (V&FMP) has been developed to provide further assurance that the study area, and its respective zones, will be managed appropriately to avoid, mitigate and compensate for the proposal."

(Eco Logical, February 2012, page 42)

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

The Ecological Investigations Report prepared for the Proponent provides details of potential environmental effects in detail as well as management recommendations. Impacts are summarised in the following extract:

Table 3: Calculated area of impact for proposed rezoning

Vegetation Community	Constraint	Total area (ha)	Retained area (ha)	% Area retained	Proposed cleared area (ha)	Notes on landuse zoning
Cleared	Low	3.01	0	0%	3.01	Clearing within existing residential zone
Golf course/dams/water features/cleared	Low	26.92	23.79	88%	3.13	Clearing within existing golf course use area
Pine Trees	Low	0.37	0.20	54%	0.17	Clearing within existing golf course use area
Coastal Sand Apple-Blackbutt Forest	Low to moderate	0.53	0	0%	0.53	Clearing within existing residential zone
Coastal Sand Apple-Blackbutt Forest	Low to moderate	2.26	0	0%	2.26	Clearing within existing residential zone
Coastal Sand Apple-Blackbutt Forest	Low to moderate	4.70	2.20	47%	2.51	
Coastal Sand Apple-Blackbutt Forest	Moderate	12.26	10.20	83%	2.05	Clearing within existing golf course use area
Swamp Mahogany - Paperbark Forest	Moderate	0.72	0	0%	0.72	Clearing within existing residential zone
Coastal Sand Apple-Blackbutt Forest	High	0.07	0.07	100%	0	
Swamp Mahogany - Paperbark Forest (EEC)	High	8.25	6.62	80%	1.64	
Environmental Protection 7(a) under Port Stephens LEP 2000	High	11.14	11.14	100%	0	Retention of existing conservation zone
	Totals	70.23	54.22	77%	16.01	

(Eco Logical, February 2012, Page 28)

A Vegetation and Fauna Management Plan which addresses threatened species and community management and is attached to the Ecological Investigations Report.

The Planning Proposal will be referred to the Office of Environment and Heritage for comment following a Gateway Determination.

Flooding and Drainage

Flooding and drainage is a significant issue in Medowie. As mentioned in the Planning Proposal, the Proponent and the Council have undertaken flood modelling and the proposed layout of development associated with the Planning Proposal reflects the analysis undertaken to date. The Council has accepted the Proponent's analysis as being adequate at this stage of the planning process and in the event of a Gateway Determination may require further modelling and analysis.

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

The Planning Proposal is likely to have positive social and economic impacts resulting from the delivery of increased land for housing and additional population within the Medowie urban area and the Pacific Dunes Estate. It is proposed to add approximately 100 additional residential lots, over and above those already existing or anticipated. Depending upon occupancy rates the new housing may generate an additional population of between 210 (occupancy rate 2.1 persons per dwelling) and 250 (rate of 2.5 persons).

The additional population will support local businesses in Medowie and surrounding service centres such as Raymond Terrace.

The additional residential land development and future population will also make a major contribution to the financial sustainability of the existing golf course Estate, a major social and economic feature of the Medowie community. The rezoning of land consistent with the Planning Proposal will also coincide with additional initiatives that will benefit the community, including a new golf clubhouse and an upgraded community park on the Estate.

Additional housing within the established Pacific Dunes Estate and is a logical and practical approach to delivering land for development.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The existing community title Estate contains all necessary services, utilities and infrastructure to service future development. In the event of any future servicing requirements these will be met by the Proponent in consultation with the relevant service delivery authorities.

The Proposal will require referral to Hunter Water Corporation following a Gateway Determination to determine their requirements and any comment regarding the site and its relationship to any potential for impact upon Hunter Water Special Areas (such as the Tomago Sandbeds).

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

The views of the following relevant public authorities will be sought following a Gateway Determination:

- Energy Australia
- Hunter Water Corporation
- Office of Environment and Heritage
- Roads and Maritime Services
- Rural Fire Service
- Commonwealth Department of Defence

PART 4 - Community Consultation

The Proponent has undertaken extensive consultation with residents of the Pacific Dunes Estate. The details of this are included in Proponent's submission to the Council (refer to Pacific Dunes Master Plan - Summary of Outcomes from Consultation with Owners and Master Plan Response, Straight Talk, updated 13th February 2012).

It is recommended that a 28 day community consultation period occur following the Gateway Determination. Adjacent land owners and existing residents of Pacific Dunes Estate

will be notified in writing and notice placed in the local newspaper. Copies of the Planning Proposal and supporting documentation will be available on Council's website, at the Council and at local libraries during the exhibition period.