



IRF 22/2875

Gateway determination report – PP-2022-2869

Rezone land for residential purposes and amend associated development standards at 45 Anzac Drive, Geneva (part of Lot 1 DP 307050) (28 homes)

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning proposal and appendices, Newton Denny Chapelle dated November 2021
Ordinary Council report, 8 August 2022 – 13.6 Planning proposal – rezoning of land in Kyogle for residential development
Ordinary Council meeting minutes and resolution CO/0822/1, 8 August 2022 – 13.6 Planning proposal – rezoning of land in Kyogle for residential development

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Kyogle
PPA	Kyogle Shire Council
NAME	Rezone land for residential purposes and amend associated development standards at 45 Anzac Drive, Geneva (part of Lot 1 DP 307050) (28 homes)
NUMBER	PP-2022-2869
LEP TO BE AMENDED	Kyogle LEP 2012
ADDRESS	45 Anzac Drive, Geneva
DESCRIPTION	Lot 1 DP 307050
RECEIVED	19/08/2022
FILE NO.	IRF22/2875
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- amend the Land Zoning (LZN) Map to rezone part of Lot 1 DP 307050 from RU1 Primary Production to R1 General Residential (comprising approximately 2.56 hectares); and
- amend the Lot Size (LSZ) Map to decrease the minimum lot size of the area being rezoned from 40 hectares to 500m².

The planning proposal does not propose any changes to the Height of Buildings (HOB) Map. However, the corresponding Council report recommends that the HOB Map be amended to introduce a HOB of 9 metres for the land being zoned R1 General Residential consistent with other surrounding residential land. It is recommended that the planning proposal be amended prior to community consultation to clarify that a proposed HOB of 9 metres will apply to the land being zoned R1 General Residential. Appropriate mapping should also be included.

Apart from the omission regarding the height of buildings map, the objectives of the planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Kyogle LEP 2012 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	Part RU1 Primary Production	Part R1 General Residential
Maximum height of the building	N/A	9m for land zoned R1 General Residential*
Minimum lot size	40ha	500m ² for land zoned R1 General Residential
Number of dwellings	1	28 additional

* While an amendment to the maximum height of building is not included as part of the planning proposal, it is recommended that the proposal amend the HOB Map to introduce a HOB of 9 metres for land being zoned R1 General Residential consistent with surrounding residential land.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved subject to the recommended HOB change.

1.4 Site description and surrounding area

Lot 1 DP 307050 is bound by Anzac Drive to the north, the Richmond River to the south, residential development to the northwest and rural lots to the east and west (Figure 1). The subject land contains an existing dwelling house, swimming pool and outbuildings with driveway access connection to Anzac Drive. The southern portion of the site is currently utilised for low intensity cattle grazing.

The property incorporates an unformed road reserve which extends some 85 metres southwards from Anzac Drive (adjacent to the eastern property boundary) before heading west across the site (on the northern side of the existing dwelling) to the western property boundary and beyond. The road reserve ultimately connects with Morgans Road and Anzac Drive (Figure 2).

The northern portion of the land is zoned R1 General Residential with a minimum lot size of 500m² while the central and southern portion is zoned RU1 Primary Production with a minimum lot size of 40 hectares (Figure 3).

A development application (DA2021/78) was approved by Council on 10/08/2022 over the subject land. DA2021/78 proposed a seven-lot subdivision, comprising the creation of six allotments on the northern portion of the land zoned R1 General Residential and a seventh residue allotment on the southern portion of the land zoned RU1 Primary Production.

On-site vegetation consists of managed grassland within the northern R1 General Residential zoned portion of the site while the RU1 rural zoned portion consists primarily of grassland. Domestic gardens are established on the site together with landscape vegetation surrounding the dwelling house and swimming pool.

The land to be rezoned is largely free of environmental constraints including biodiversity value (Figure 4), high environmental value land (Figure 5), bushfire prone land, acid sulfate soils, historic heritage items or Aboriginal sites or places. The allotment is partially affected by the 1 in 100-year flood (Figure 6) and Far North Coast farmland mapping (Figure 7).



Figure 1 - Location of the subject site (Source: Council Report)



Figure 2 - Site context (Source: Six Maps)



Figure 3 - Site context (Source: Council Report)

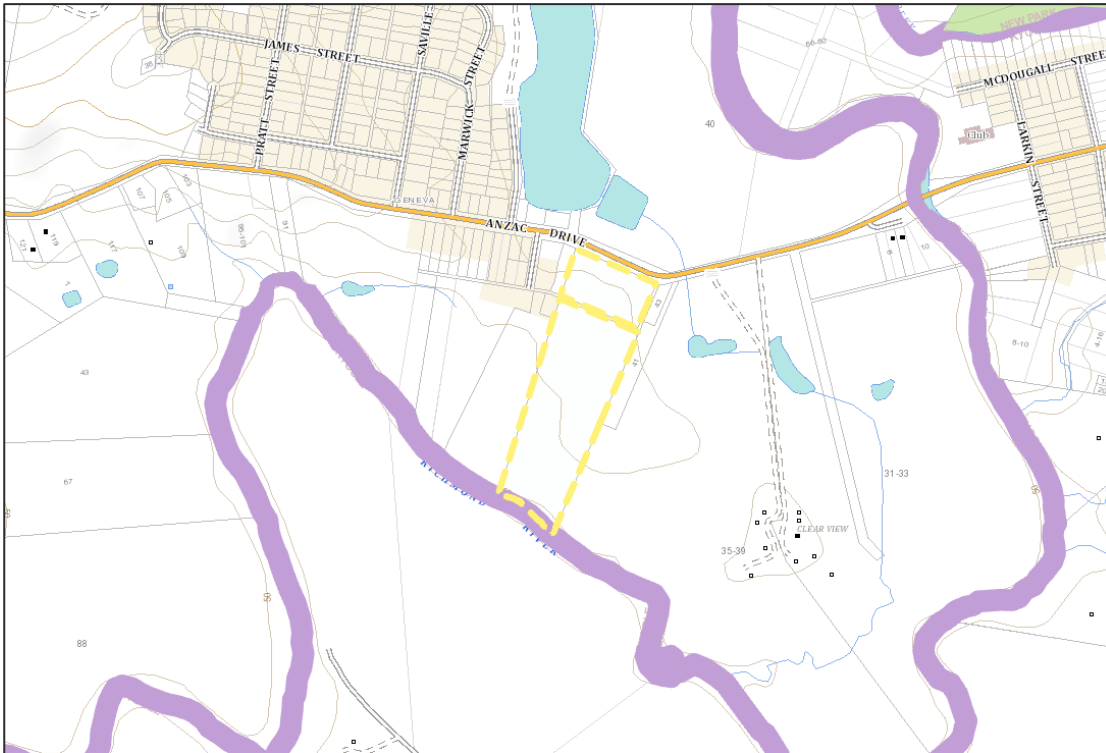


Figure 4 - Biodiversity values map (Source: ePlanning Spatial Viewer)



Figure 5 - High environmental value land (Source: Northern Region Viewer)

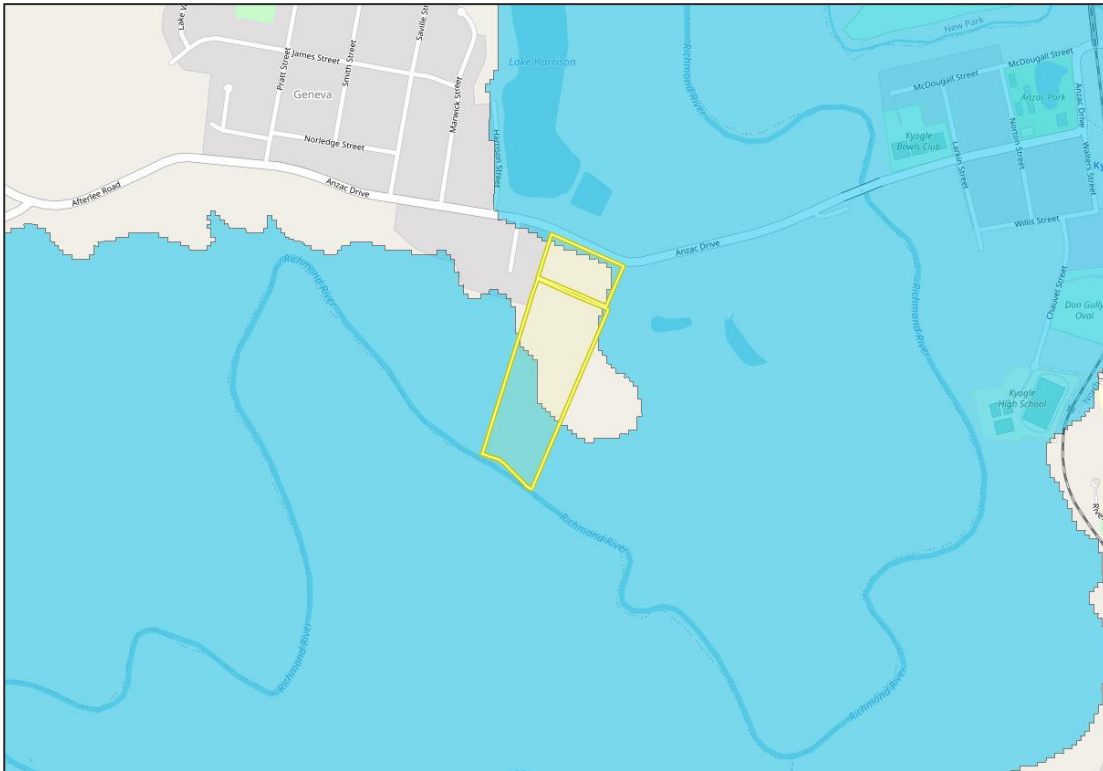


Figure 6 - Flood affectation on the subject land (Source: Northern Region Viewer)



Figure 7 - Far North Coast farmland mapping (Source: Northern Region Viewer)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Kyogle LEP 2012 maps which are suitable for community consultation (Figures 8 and 9).

The Council report also includes mapping relating to the height of buildings (Figures 10 and 11), which need to be included in the planning proposal prior to community consultation.

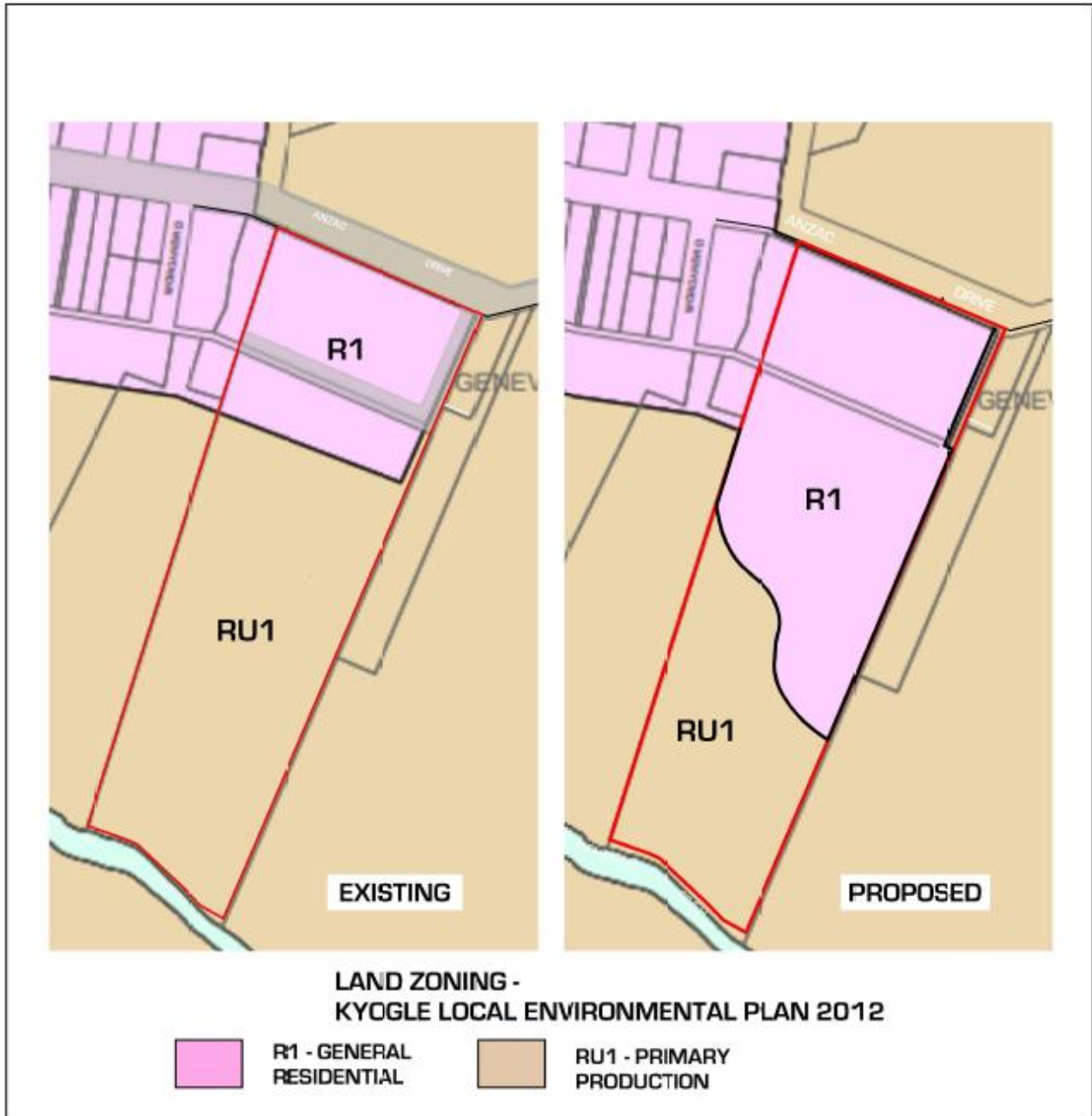


Figure 8 - Existing and proposed land zoning mapping (Source: Planning Proposal)

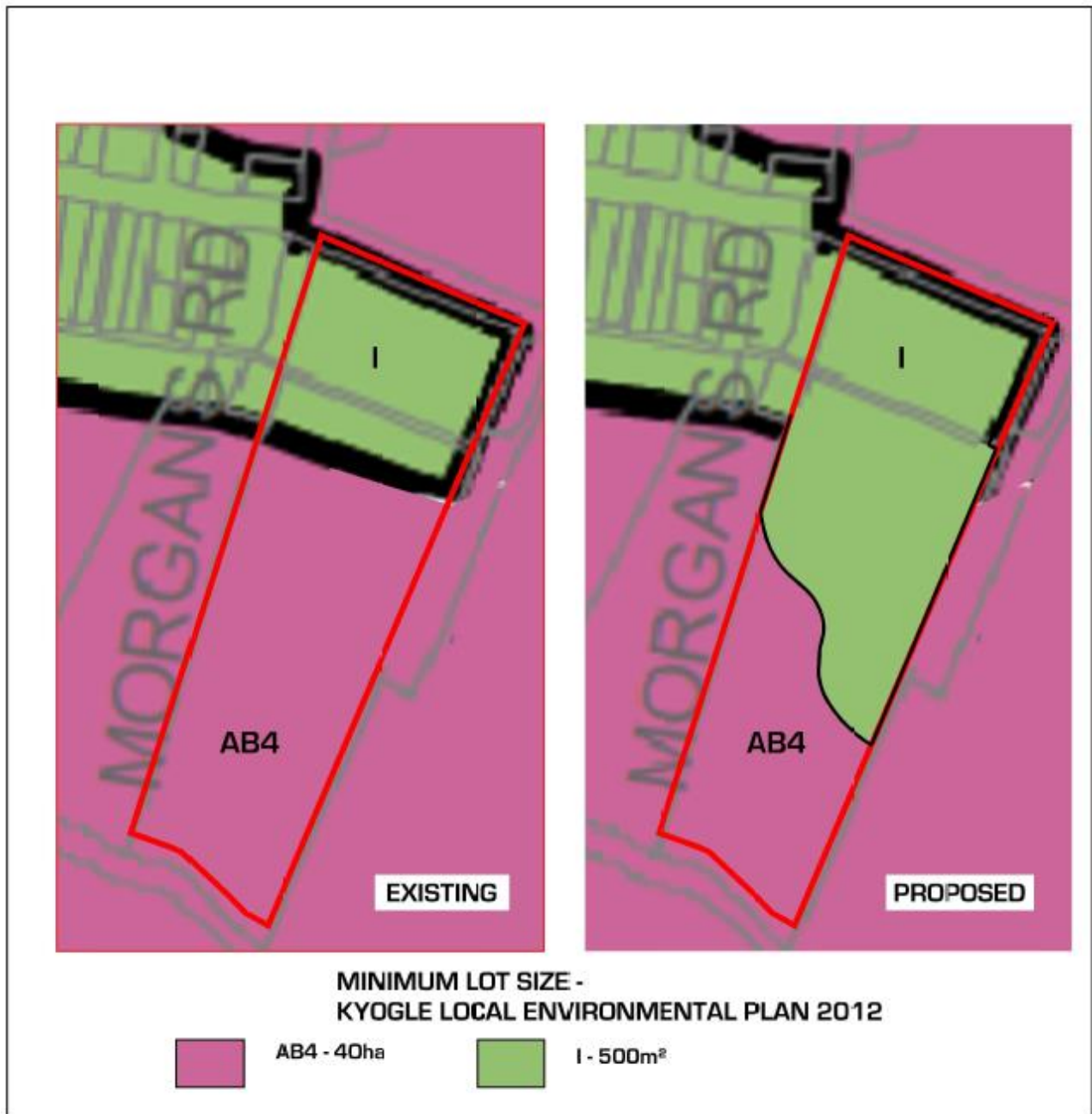


Figure 9 - Existing and proposed minimum lot size mapping (Source: Planning Proposal)



Figure 10 - Existing height of buildings (Source: Council Report)



Figure 11 - Proposed height of buildings (Source: Council Report)

2 Need for the planning proposal

The planning proposal states that the subject land is identified by Section 9.3 of the Kyogle Strategy for Closer Rural Settlement and Urban Expansion 2005 as being potentially suitable for future urban residential development (Figure 12).

The Kyogle Local Growth Management Strategy 2010 updated the Kyogle Strategy for Closer Rural Settlement and Urban Expansion 2005 and was endorsed by the Department in 2010. The 2010 strategy updated the data and policy content of the 2005 document, reflecting current information and policies.

The subject land is not identified in the Kyogle Local Growth Management Strategy 2010 or the Kyogle Local Strategic Planning Statement 2020. Consultation with Council indicates that the land was not specifically excluded from these strategies.

The planning proposal is to be updated prior to community consultation to address the provisions of the Kyogle Local Growth Management Strategy 2010.

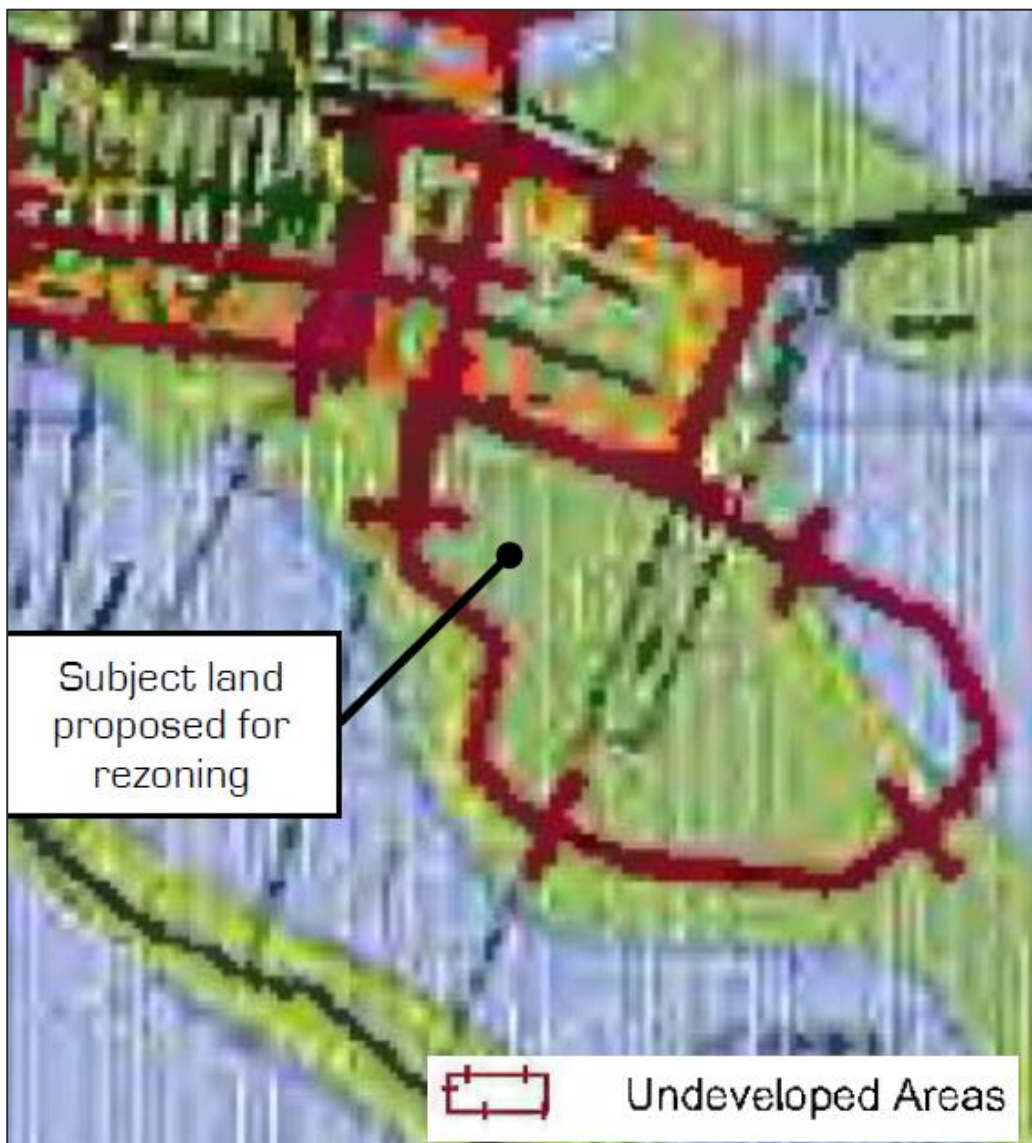


Figure 12 - Map 17-4, Kyogle Strategy for Closer Rural Settlement 2005 (Source: Planning Proposal)

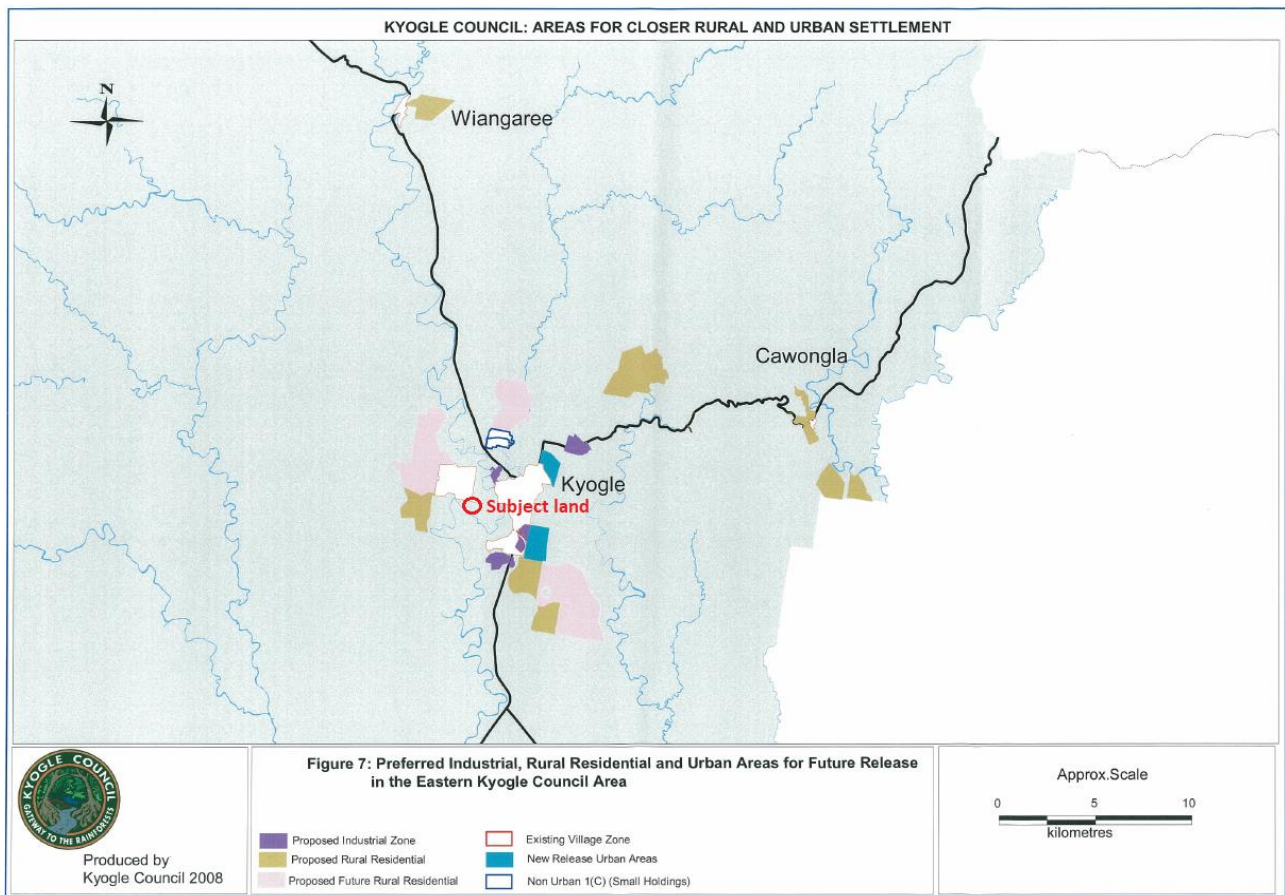


Figure 13 - Preferred Industrial, Rural Residential and Urban Areas for Future Release in the Eastern Kyogle Council Area (Source: Kyogle LGMS 2010)

The planning proposal is needed to facilitate the delivery of housing diversity and choice on land located on the fringe of Kyogle. The proponent intends on subdividing the land and, in turn, delivering further residential development oriented towards seniors living. The planning proposal is the best means of achieving the objectives and intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan 2036.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
<p>Direction 1 - Deliver environmentally sustainable growth</p>	<p>This direction aims to manage growth to protect the conservation and economic value of important coastal landscapes and the natural environment.</p> <p>The subject land is located outside the urban growth area defined by the Regional Plan (Figure 14).</p>  <p>Figure 14 - Urban Growth Area boundary (Source: Northern Region Viewer)</p> <p>The planning proposal includes an assessment against Appendix A of the Plan: Urban Growth Area Variation Principles.</p> <p><u>Policy</u></p> <p>While the subject land is identified in the Kyogle Strategy for Closer Rural Settlement and Urban Expansion 2005, it is not included as part of the Kyogle Local Growth Management Strategy 2010. Additional information is required to be included as part of the planning proposal to address this matter.</p> <p>The planning proposal is however generally consistent with the objectives of the North Coast Regional Plan 2036, relevant section 9.1 Directions and State Environmental Planning Policies and this matter is considered to be of minor significance.</p> <p><u>Infrastructure</u></p> <p>The planning proposal incorporates facilitates development adjoining the existing village of Geneva.</p>

It is anticipated that adequate and cost-effective infrastructure can be provided to service future residential development on the subject land.

Environmental and farmland protection

The proposed rezoning area avoids areas of high environmental or heritage value as well as mapped important farmland.

Land use conflict

The subject site is separated from incompatible land uses such as sewage treatment plants, waste facilities and productive resource lands.

However, it is adjacent to land used for agricultural activities, primarily grazing. The proponent has considered a land use risk assessment undertaken over the existing R1 General Residential zoned portion of the subject site and states that they are of the view that future residential development on the subject land can co-exist with surrounding land uses in a compatible manner without the need to implement a vegetated buffer.

Consultation with the Department of Primary Industries – Agriculture is recommended.

Avoiding risk

The subject land is not physically constrained by bushfire, erosion, slope or acid sulfate soils.

The proposed R1 zoning line reflects the 1 in 100-year flood line of RL 59.25m AHD. Levels will be required to be confirmed prior to public exhibition in accordance with the Kyogle Floodplain Risk Management Plan 2009.

Flooding matters are discussed in further detail later within this report. The planning proposal is required to be amended prior to community consultation to demonstrate that flooding hazards are capable of being suitably addressed at the development application stage, including but not limited to locating all future dwellings above the probable maximum flood (PMF) level and achievement of safe evacuation.

Consultation with NSW Department of Planning and Environment – Floodplain Management Division, State Emergency Service and the Northern Rivers Reconstruction Corporation is recommended.

Heritage

There are no identified items of non-Aboriginal heritage on the subject land and an AHIMS Search did not reveal any records of Aboriginal sites or places within a 50-metre radius.

Consultation with the Gugin Gudduba Local Aboriginal Land Council is recommended.

Coastal area

The land is located west of the Pacific Highway, outside the sensitive coastal strip.

Direction 2 - Enhance biodiversity, coastal and aquatic habitats, and water catchments

This direction advocates for development to be appropriately located to limit any adverse impact on the region's biodiversity and water catchments.

The planning proposal focus' development to areas of least biodiversity sensitivity. While the subject land contains identified biodiversity values (Figure 4) and high environmental value land (Figure 5), these attributes are outside the portion proposed to be rezoned.

Direction 3 -
Manage natural
hazards and
climate change

This direction acknowledges natural hazards that may impact land on the North Coast and aims to reduce the risk from such hazards.

The Kyogle LEP 2012 flood mapping identifies the allotment as being subject to inundation. The planning proposal indicates that the Flood Planning Level of the site is RL 59.75m AHD and states that with reference to the Kyogle Floodplain Risk Management Plan 2009, using Figure A-7 (FPL3 for residential building floor level, Figure 15) the 1% AEP + 0.5m freeboard appears to be 59.75m AHD. Accordingly, the 1 in 100-year flood level is derived at RL 59.25m AHD. These figures are to be confirmed prior to exhibition of the planning proposal.

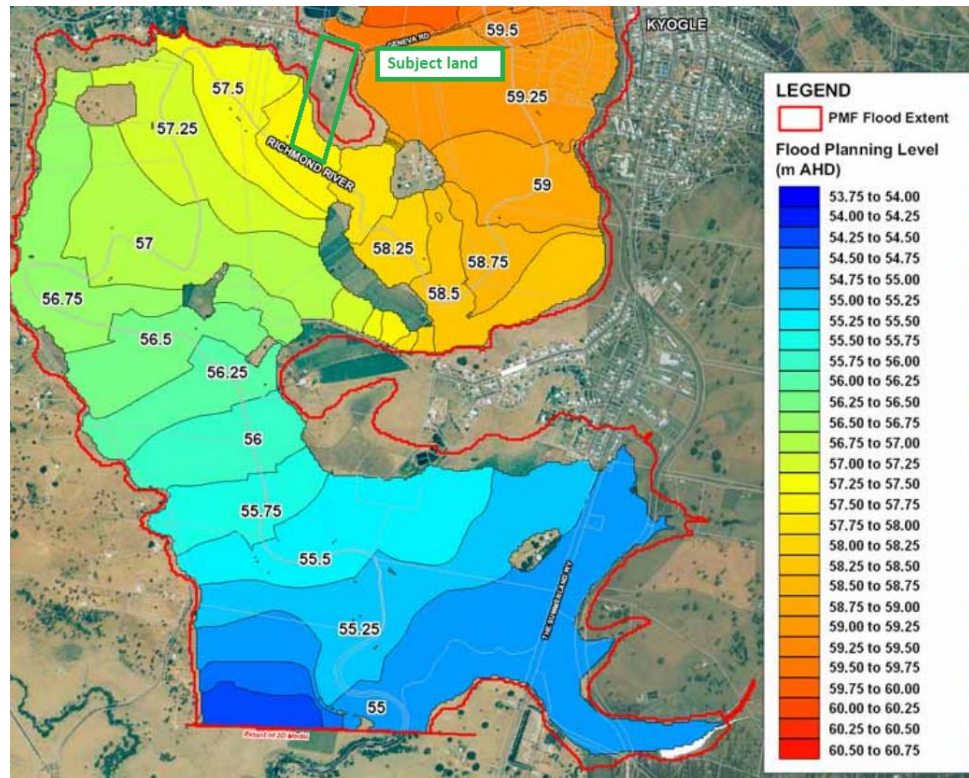


Figure 15 - Flood Planning Level 3, Residential Building Floor Level (Source: Kyogle Floodplain Risk Management Plan 2009)

The planning proposal seeks to amend the R1 General Residential zone to align with the 1 in 100-year flood line. The planning proposal states that all future dwelling sites within the proposed R1 zone will be required to be located above the Flood Planning Level.

However, the proposal is not supported by a site-specific flood study. Council indicates that it is their preference that the zone boundary reflect the 1 in 100-year flood line and that they would be supportive of dwellings being located above the probable maximum flood (PMF) level to ensure safety of occupants. This approach will permit land to be zoned for the highest and best use while also allowing the appropriate location of future homes.

The planning proposal is required to be amended prior to community consultation to demonstrate that flooding hazards are capable of being suitably addressed at the development application stage, including but not limited to locating all future dwellings above the PMF level and achievement of safe evacuation.

	Consultation with NSW Department of Planning and Environment – Floodplain Management Division, State Emergency Service and Northern Rivers Reconstruction Corporation is recommended.
Direction 11 - Protect and enhance productive agricultural lands	<p>This direction notes that important farmland on the North Coast has been identified and mapped to support long-term agricultural production and help avoid land-use conflicts.</p> <p>While the allotment is partially affected by the Far North Coast farmland mapping (Figure 7), it is outside the area to be rezoned.</p> <p>With regard to land use conflict, proponent is of the view that future residential development can co-exist with surrounding land uses in a compatible manner without the need to implement a vegetated buffer.</p> <p>Consultation with the Department of Primary Industries – Agriculture is recommended.</p>
Direction 15 - Develop healthy, safe, socially engaged and well-connected communities	<p>This direction aims to design the urban environment to help build community health, social wellbeing and cohesion.</p> <p>The planning proposal aims to provide additional housing opportunities in proximity to existing services and facilities, thereby supporting this direction.</p>
Direction 18 - Respect and protect the North Coast's Aboriginal Heritage	<p>This direction aims to avoid harm to Aboriginal objects and places, or areas of significance to Aboriginal people.</p> <p>While a search of the AHIMS database did not identify any Aboriginal sites or places within a 50-metre radius of the subject land it is considered appropriate that formal consultation be undertaken with the Local Aboriginal Land Council. A condition has been included as part of the Gateway determination to this effect.</p>
Direction 21 - Coordinate local infrastructure delivery	<p>This direction highlights the importance of coordinated local infrastructure delivery.</p> <p>The planning proposal constitutes infill development and as such, it maximises the efficient use of existing infrastructure in accordance with the intent of this direction.</p>
Direction 22 - Deliver greater housing supply	<p>This direction details the minimum housing supply each North Coast local government area should plan to deliver over the next 20 years to meet population growth.</p> <p>The Kyogle local government area requires an additional 100 dwellings by 2036. The planning proposal will potentially create an additional 28 homes on land adjacent to the urban growth area boundary.</p>
Kyogle Local Government Narrative	<p>The planning proposal is consistent with the following regional priority identified for Kyogle:</p> <ul style="list-style-type: none"> Support the village and rural lifestyle of Woodenbong, Bonalbo, Tabulam, Mummulgum, Cawongla, Old Bonalbo, Geneva, Wiangaree and Mallanganee.

The public exhibition period for the draft North Coast Regional Plan 2041 has closed and the plan is being finalised.

The planning proposal is generally consistent with the following directions of the draft Plan:

- *Objective 1: Provide well located homes to meet demand*
- *Kyogle Local Government Narrative:*
 - *Maintain the village character and rural lifestyle of Kyogle's smaller communities*
 - *Improve housing choice in the LGA by encouraging diversification of housing products, including smaller dwellings for an ageing population.*

The planning proposal is to be amended prior to exhibition to include a discussion on the proposal's consistency with the draft North Coast Regional Plan 2041.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Kyogle Strategy for Closer Rural Settlement and Urban Expansion 2005	<p>The subject land is identified by Section 9.3 of the Kyogle Strategy for Closer Rural Settlement and Urban Expansion 2005 as being potentially suitable for future urban residential development (Figure 12).</p> <p>The Kyogle Local Growth Management Strategy 2010 updated the Kyogle Strategy for Closer Rural Settlement and Urban Expansion 2005 and was endorsed by the Department in 2010. The 2010 strategy updated the data and policy content of the 2005 document reflecting current information and policies.</p> <p>The subject land is not identified in the Kyogle Local Growth Management Strategy 2010 (Figure 13).</p> <p>The planning proposal is to be updated prior to community consultation to address the provisions of the Kyogle Local Growth Management Strategy 2010.</p>
Local Strategic Planning Statement	<p>The planning proposal is considered to be consistent with Council's LSPS, in particular:</p> <ul style="list-style-type: none"> • Planning Priority B1 – Planning for appropriately located and designed residential development • Planning Priority B2 – Planning to provide greater housing choice for our community <p>The proposal is also consistent with Planning Priorities C4, D1 and D3, given that the area proposed for rezoning is largely free of identified environmental constraints including cultural heritage values, biodiversity values and natural hazards:</p> <ul style="list-style-type: none"> • Planning Priority C4 – Value, protect, and celebrate our unique cultural heritage • Planning Priority D1 – Protect and enhance areas of high environmental value and biodiversity • Planning Priority D3 – Protect communities from the risks associated with natural hazards
Community Strategic Plan 2022 – 2032	<p>The proposal is consistent with the CSP objective of having enough quantity and choice of housing to meet the needs of current and future residents of different ages, life stages and circumstances.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal includes an appendix which assesses compliance with the section 9.1 Directions. Prior to community consultation, this assessment is required to be updated to reference current naming conventions.

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 Section 9.1 Ministerial Direction assessment

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Unresolved	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>As discussed in Section 3.1 of this report, the proposal requires consultation with government agencies to address matters pertaining to:</p> <ul style="list-style-type: none"> land use conflict; flooding; Aboriginal objects and places, or areas of significance to Aboriginal people. <p>The proposal is potentially inconsistent with the North Coast Regional Plan 2036 as it may permit an intensification of development on land that has some of the above values. It is considered appropriate that consistency with this direction remain unresolved until consultation is undertaken with Department of Primary Industries – Agriculture, NSW Department of Planning and Environment – Floodplain Management Division, State Emergency Service, Northern Rivers Reconstruction Corporation and the Local Aboriginal Land Council.</p>
3.2 Heritage Conservation	Unresolved	<p>This direction states that a planning proposal must contain provisions that facilitate the conservation of heritage and Aboriginal cultural significance.</p> <p>While a search of the AHIMS database did not identify any Aboriginal sites or places within a 50-metre radius of the subject land it is considered appropriate that formal consultation be undertaken with the Local Aboriginal Land Council before this direction is resolved.</p>
4.1 Flooding	Unresolved	<p>This direction applies to a planning proposal that creates, removes or alters a zone or provisions that affects flood prone land.</p> <p>The planning proposal seeks to amend the R1 General Residential zone to align with the 1 in 100-year flood line. The planning proposal states that all future dwelling sites within the proposed R1 zone will be required to be located above the Flood Planning Level of RL 59.75m AHD. Levels will be required to be confirmed prior to public exhibition in accordance with the Kyogle Floodplain Risk Management Plan 2009.</p> <p>However, the proposal is not supported by a site-specific flood study. Council indicates that it is their preference that the zone boundary reflect the 1 in 100-year flood line and that they would be supportive of dwellings being located above the probable maximum flood (PMF) level to ensure safety of occupants. This approach will permit land to be zoned for the highest and best use while also allowing the appropriate location of future homes.</p>

4.1 Flooding
(continued)

Unresolved

The Kyogle Floodplain Risk Management Plan 2009 indicates that the subject site is not affected by 'high hazard depth' (Figure 16) or rare extreme hazards (Figure 17). However, portions of Anzac Drive are affected by these constraints. Anecdotal advice from Council indicates that evacuation is not prevented at this location and that flood evacuation plans are available for the town.

It is noted that the subject land incorporates an unformed road reserve which extends some 85 metres southwards from Anzac Drive (adjacent to the eastern property boundary) before heading west across the site (on the northern side of the existing dwelling) to the western property boundary and beyond. The road reserve ultimately connects with Morgans Road and Anzac Drive (Figure 2). As such, an alternative evacuation route from the land could potentially be provided.

The planning proposal is required to be amended prior to community consultation to demonstrate that flooding hazards are capable of being suitably addressed at the development application stage, including but not limited to locating all future dwellings above the probable maximum flood (PMF) level and achievement of safe evacuation.

This matter will remain unresolved until formal consultation with NSW Department of Planning and Environment – Floodplain Management Division, State Emergency Service and Northern Rivers Reconstruction Corporation has been undertaken and a full assessment regarding the appropriateness of the proposal has been completed.

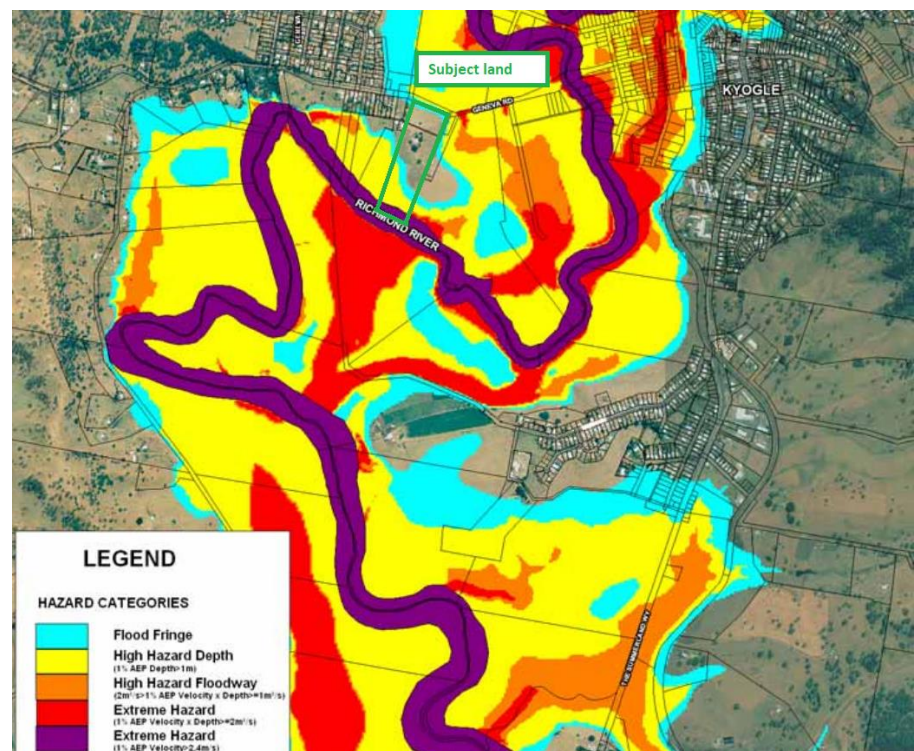
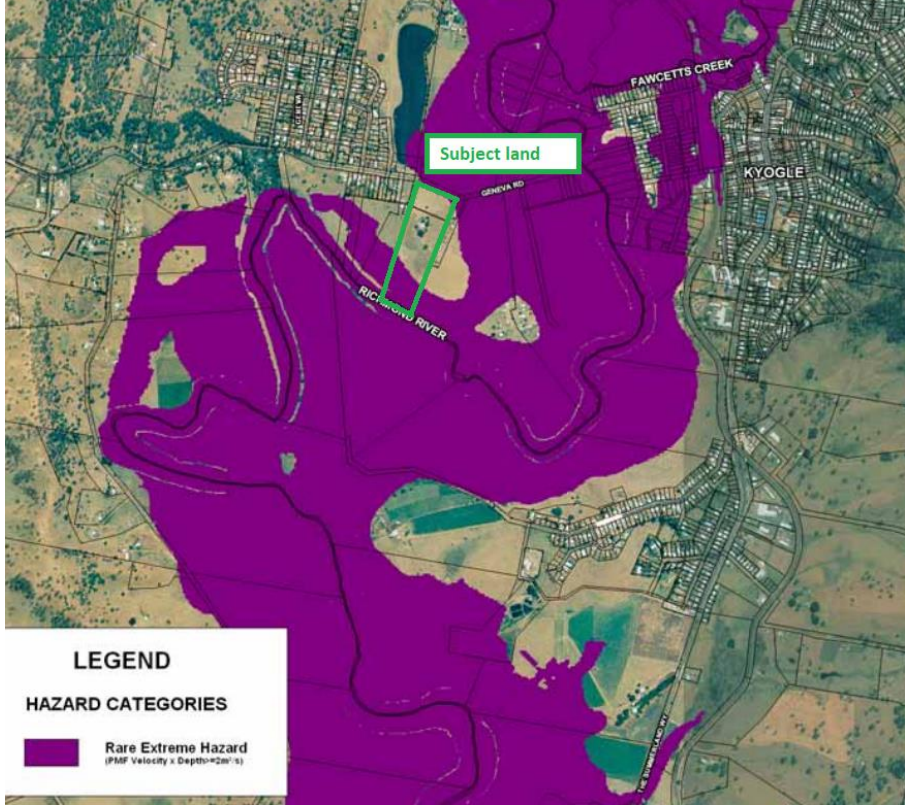


Figure 16 - Kyogle Primary Hazard Category Zones (Source: Kyogle Floodplain Risk Management Plan 2009)

4.1 Flooding (continued)	Unresolved	 <p>Figure 17 - Rare Extreme Hazard (Source: Kyogle Floodplain Risk Management Plan 2009)</p>
4.4 Remediation of Contaminated Land	Unresolved	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The subject site is located within 200m of the decommissioned Swamp Paddock Cattle Dip, located on the northern side of Anzac Drive. While a preliminary contaminated land assessment has been completed for the northern part of the site (the existing R1 General Residential area), an assessment has not been completed over the subject land. There is therefore incomplete knowledge as to whether residential development on the subject land is appropriate.</p> <p>Prior to community consultation, a preliminary investigation of the land is to be carried out in accordance with the contaminated land planning guidelines.</p>
5.1 Transport and Infrastructure	Justifiably inconsistent	<p>This direction is relevant to the planning proposal as it will alter a zone and provisions relating to urban land.</p> <p>The proposal is inconsistent with the terms of this direction as it does not specifically consider <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p>Considering that the proposal only facilitates some minor additional development directly adjoining an existing urban area the inconsistency is considered to be of minor significance.</p>

8.1 Mining, Petroleum Production and Extractive Industries	Justifiably inconsistent	<p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>This direction applies to the planning proposal as it will have the effect of prohibiting extractive industries on the subject land.</p> <p>Considering the size of the area proposed to be rezoned as well as the fact that the it constitutes infill development the inconsistency is considered to be of minor significance. Consultation with NSW Mining, Exploration and Geoscience is recommended.</p>
9.1 Rural Zones	Unresolved	<p>This direction states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>The proposal is inconsistent with this direction as it rezones rural land for residential purposes and is not identified in Council's Department approved Kyogle Local Growth Management Strategy 2010.</p> <p>Consistency with this direction will remain unresolved until consultation has been undertaken with Department of Primary Industries – Agriculture.</p>
9.2 Rural Lands	Unresolved	<p>The direction applies when a planning proposal will affect land within an existing or proposed rural or conservation zone, including alteration of any existing rural or conservation zone boundary, or that changes the existing minimum lot size on land within a rural or conservation zone.</p> <p>Amongst other things, the direction requires that a planning proposal be consistent with any applicable regional plan. As consistency with Direction 1.1 is currently unresolved, consistency with this direction will also remain unresolved until consultation is undertaken with Department of Primary Industries – Agriculture, NSW Department of Planning and Environment – Floodplain Management Division, State Emergency Service, Northern Rivers Reconstruction Corporation and the Local Aboriginal Land Council.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

The planning proposal includes an appendix which assesses compliance with the SEPPs. Prior to community consultation, this assessment is required to be updated to reference current naming conventions.

4 Site-specific assessment

4.1 Environmental

The planning proposal is not accompanied by a Biodiversity Assessment.

The planning proposal indicates that on-site vegetation consists of managed grassland within the northern R1 General Residential zoned portion of the site, while the RU1 Primary Production zoned portion consists primarily of grassland.

The area proposed to be rezoned is not mapped as containing biodiversity values or as being of high environmental value. No adverse environmental impact is therefore anticipated.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 7 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The proposal is not expected to have any adverse social impacts.</p> <p>The rezoning of the subject land will enable the construction of new dwellings and as such have a positive social impact by providing additional housing opportunities.</p> <p>Regional NSW in general, and the Northern Rivers area, is experiencing high levels of housing stress. Additional housing in suitable locations is an appropriate approach to assist in addressing this issue.</p>
Economic	<p>It is expected that the proposal will provide a positive economic contribution to the local economy, directly as a result of the construction of new dwellings and indirectly through a greater population base to support local business.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 8 Infrastructure assessment

Infrastructure	Assessment
State	The planning proposal has not identified any requirement for State infrastructure.
Local	The subject land is located immediately adjoining an urban environment and is in proximity to reticulated water, sewer, telecommunications, electricity and stormwater drainage networks.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. In accordance with the LEP Making Guidelines (Department of Planning and Environment, December 2021) the exhibition timeframe for a standard planning proposal is 20 working days.

An exhibition period of 20 working days is considered appropriate and forms a condition of the Gateway determination.

Council have not nominated any community groups for targeted consultation.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Department of Primary Industries – Agriculture
- Department of Planning and Environment – Floodplain Management Division
- State Emergency Service
- Northern Rivers Reconstruction Corporation
- Gugin Gudduba Local Aboriginal Land Council
- NSW Mining, Exploration and Geoscience

6 Timeframe

Council does not propose a timeframe for completion of the LEP.

It is recommended that a time frame of 12 months be provided to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal deals only with matters of local significance, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the subject land is contiguous with the existing R1 General Residential zone, is readily serviceable and will result in only a minor variation to the identified urban growth area;
- the proposal seeks to increase housing supply and facilitate delivery of housing diversity and choice enabling new residential development on unconstrained land;
- the potential supply of 28 homes will increase local housing supply and will assist in addressing a regional housing supply shortage.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- clarify that a nine-metre height of building will apply to land zoned R1 General Residential and include mapping as appropriate;
- address the provisions of the Kyogle Local Growth Management Strategy 2010;
- provide a discussion on the proposal's consistency with draft North Coast Regional Plan 2041;
- address the most current version of the Ministerial section 9.1 Directions and consolidated State Environmental Planning Policies;
- demonstrate that flooding hazards are capable of being suitably addressed at the development application stage, including but not limited to, locating all future dwellings above the probable maximum flood (PMF) level and achievement of safe evacuation;

- confirm the Reduced Levels (RLs) for the site in accordance with the Kyogle Floodplain Risk Management Plan 2009;
- include a preliminary investigation of the land in accordance with the contaminated land planning guidelines;
- include an updated project timeline.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 5.1 Transport and Infrastructure and 8.1 Mining, Petroleum Production and Extractive Industries are minor or justified; and
- Note that the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 3.2 Heritage Conservation, 4.1 Flooding, 4.4 Remediation of Contaminated Land, 9.1 Rural Zones and 9.2 Rural Lands are unresolved and will require further justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - clarify that a nine-metre height of building will apply to the land zoned R1 General Residential and include mapping as appropriate;
 - address the provisions of the Kyogle Local Growth Management Strategy 2010;
 - provide a discussion on the proposal's consistency with draft North Coast Regional Plan 2041;
 - address the most current version of the Ministerial section 9.1 Directions and consolidated State Environmental Planning Policies;
 - demonstrate that flooding hazards are capable of being suitably addressed at the development application stage, including but not limited to locating all future dwellings above the probable maximum flood (PMF) level and achievement of safe evacuation;
 - confirm the Reduced Levels (RLs) for the site in accordance with the Kyogle Floodplain Risk Management Plan 2009;
 - include a preliminary investigation of the land in accordance with the contaminated land planning guidelines; and
 - include an updated project timeline.
2. Consultation is required with the following public authorities:
 - Department of Primary Industries – Agriculture
 - Department of Planning and Environment – Floodplain Management Division
 - State Emergency Service
 - Northern Rivers Reconstruction Corporation
 - Gugin Gudduba Local Aboriginal Land Council
 - NSW Mining, Exploration and Geoscience
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



12/9/22

(Signature)

(Date)

Craig Diss

Manager, Northern Region



15/9/2022

(Signature)

(Date)

Jeremy Gray

Director, Northern Region

Assessment officer

Kate Campbell

Senior Planner, Northern Region

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