



IRF24/1659

Gateway determination report – PP-2023-1816

To rezone Lot 1 DP 416381, 39-39A Strouds Road,
Bonville from RU2 Rural Landscape to R5 Large Lot
Residential and amend the minimum lot size

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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 – Version 1 Pre-Exhibition – June 2024

Ordinary Council Meeting Report – 11 July 2024

Ordinary Council Meeting Minutes – 11 July 2024

Biodiversity Assessment – GeoLINK – 7 December 2022

Bushfire Strategic Study – Holiday Coast Bushfire Solutions – 6 June 2022

On-Site Sewage Management Capability Assessment – O’Meara Wood and Associates Pty Ltd – 15 August 2022

Vehicular Access Assessment – Weavers Consulting Group Pty Ltd – 18 January 2023

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Coffs Harbour
PPA	Coffs Harbour City Council
NAME	To rezone Lot 1 DP 416381, 39-39A Strouds Road, Bonville from RU2 Rural Landscape to R5 Large Lot Residential and amend the minimum lot size
NUMBER	PP-2023-1816
LEP TO BE AMENDED	Coffs Harbour Local Environmental Plan 2013
ADDRESS	39-39A Strouds Road, Bonville
DESCRIPTION	Lot 1 DP 416381
RECEIVED	12/07/2024
FILE NO.	IRF24/1659
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 objective of the planning proposal is to amend the Coffs Harbour LEP 2013 to rezone Lot 1 DP 416381, 39-39A Strouds Road, Bonville from RU2 Rural Landscape to R5 Large Lot Residential and amend the minimum lot size from 40 hectares to 5,000m².

The amendment is intended to facilitate the future subdivision of the land into two parcels with a dwelling on each parcel.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Coffs Harbour LEP 2013 per the changes below:

Table 3 Current and proposed controls

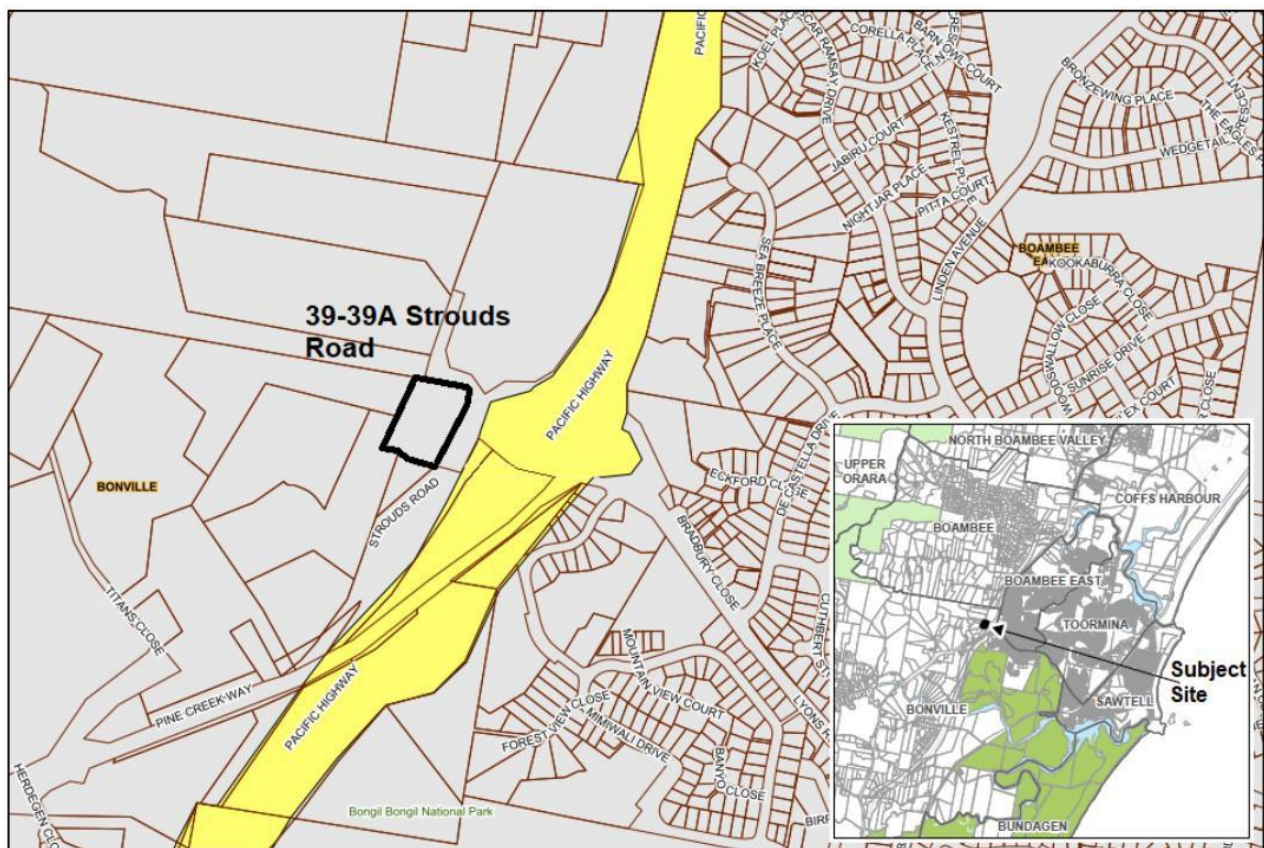
Control	Current	Proposed
Zone	RU2 Rural Landscape	R5 Large Lot Residential
Minimum lot size	40 hectares	5,000m ²
Number of dwellings	2 (approved dual occupancy)	2

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land is described as Lot 1 DP 416381, 39-39A Strouds Road, Bonville (Figure 1). The site is 1.13 hectares in area and is currently zoned RU2 Rural Landscape under the Coffs Harbour LEP 2013 (Figure 2) and used for 'lifestyle' purposes (Figure 3).

The lot adjoins the north-western point of the Bonville Large Lot Residential area (Figure 4). The minimum lot sizes in Bonville are 40 hectares for the land zoned RU2 Rural Landscape and C2 Environmental Conservation, 1 hectare for the land zoned R5 and 550m² for the land zoned R1 General Residential. The lot is separated from Boambee to the east by Strouds Road (the old Pacific Highway) and the Pacific Highway. Boambee is zoned R2 Low Density Residential with a lot size of 400m².

**Figure 1 Subject site (source: Planning Proposal)**

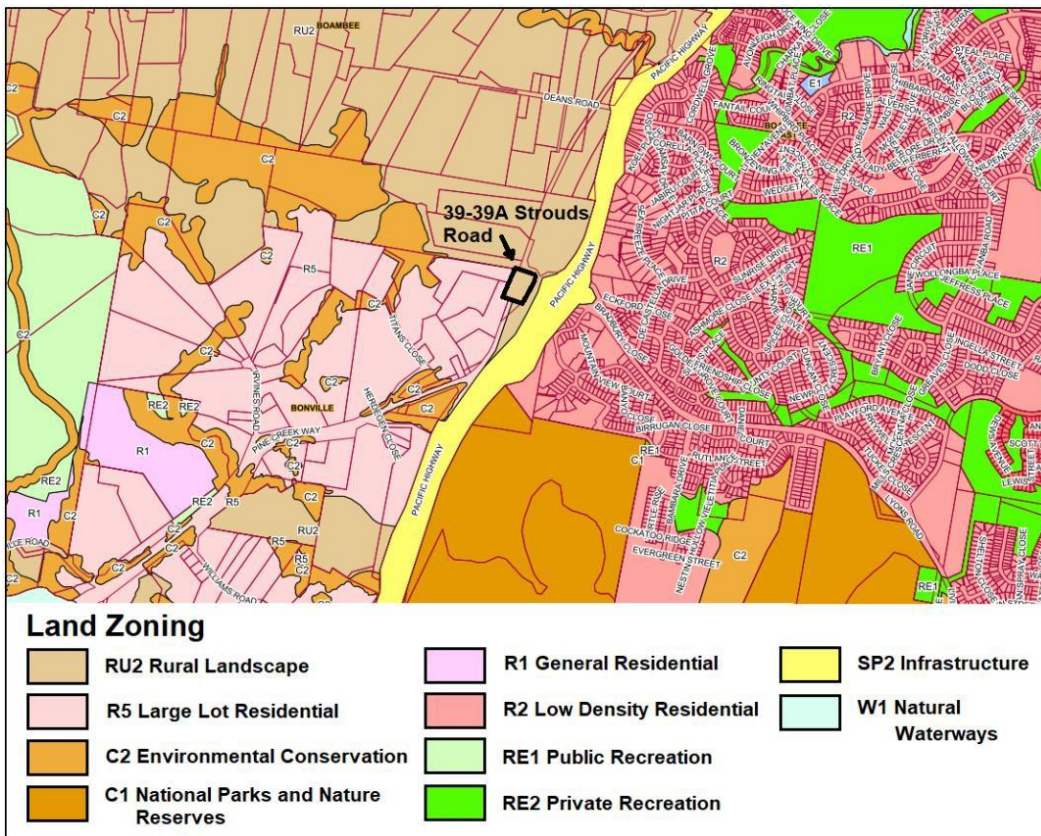


Figure 2 Surrounding land use zones (source: Planning Proposal)



Figure 3 Aerial image (source: NSW Spatial Viewer)

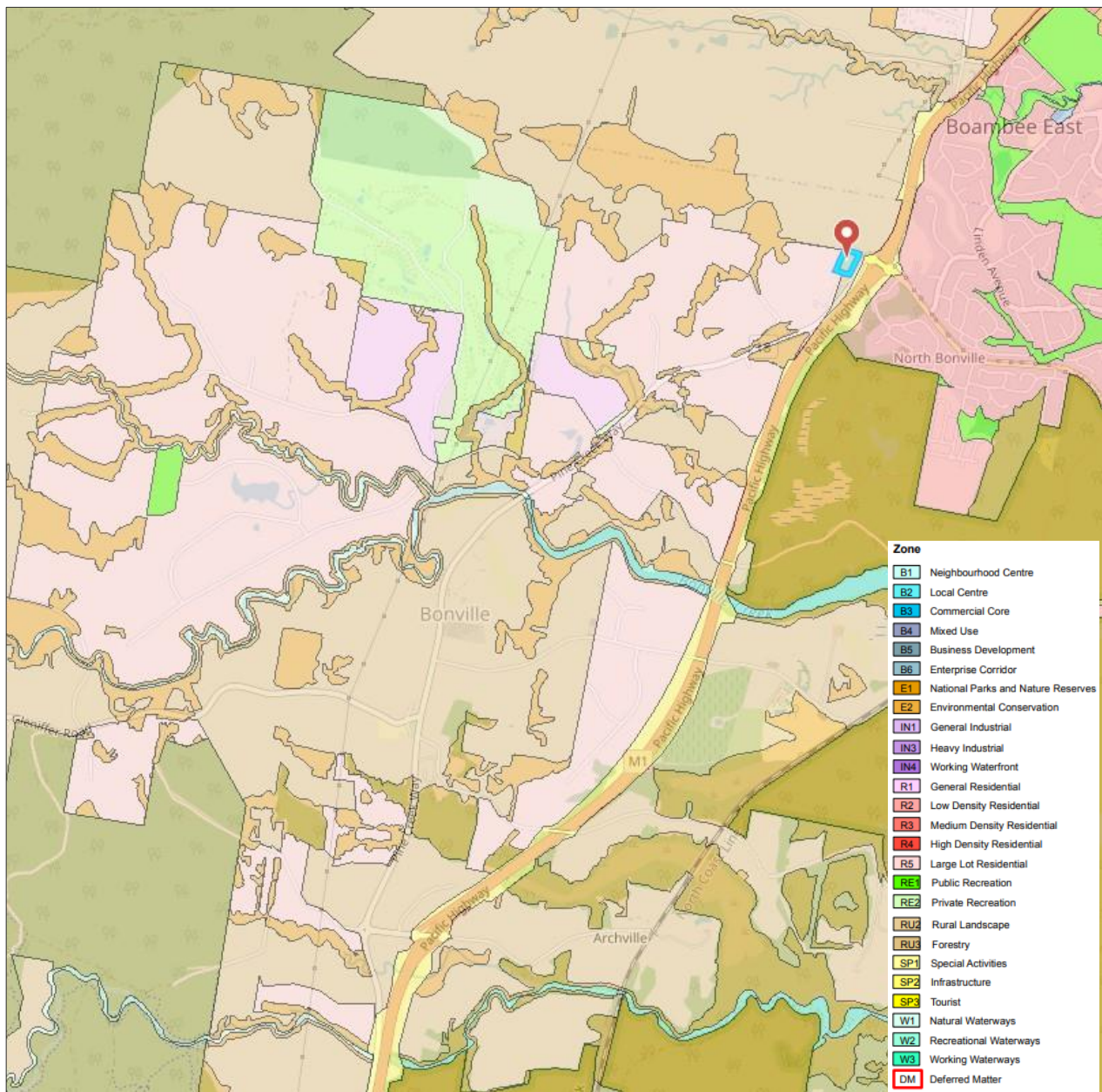


Figure 4 Bonville Large Lot Residential Area (source: NSW Spatial Viewer)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning (Figure 5) and lot size (Figure 6) maps, which are suitable for community consultation.

Maps consistent with the Standard Technical Requirements will need to be prepared before the making of the LEP amendment.

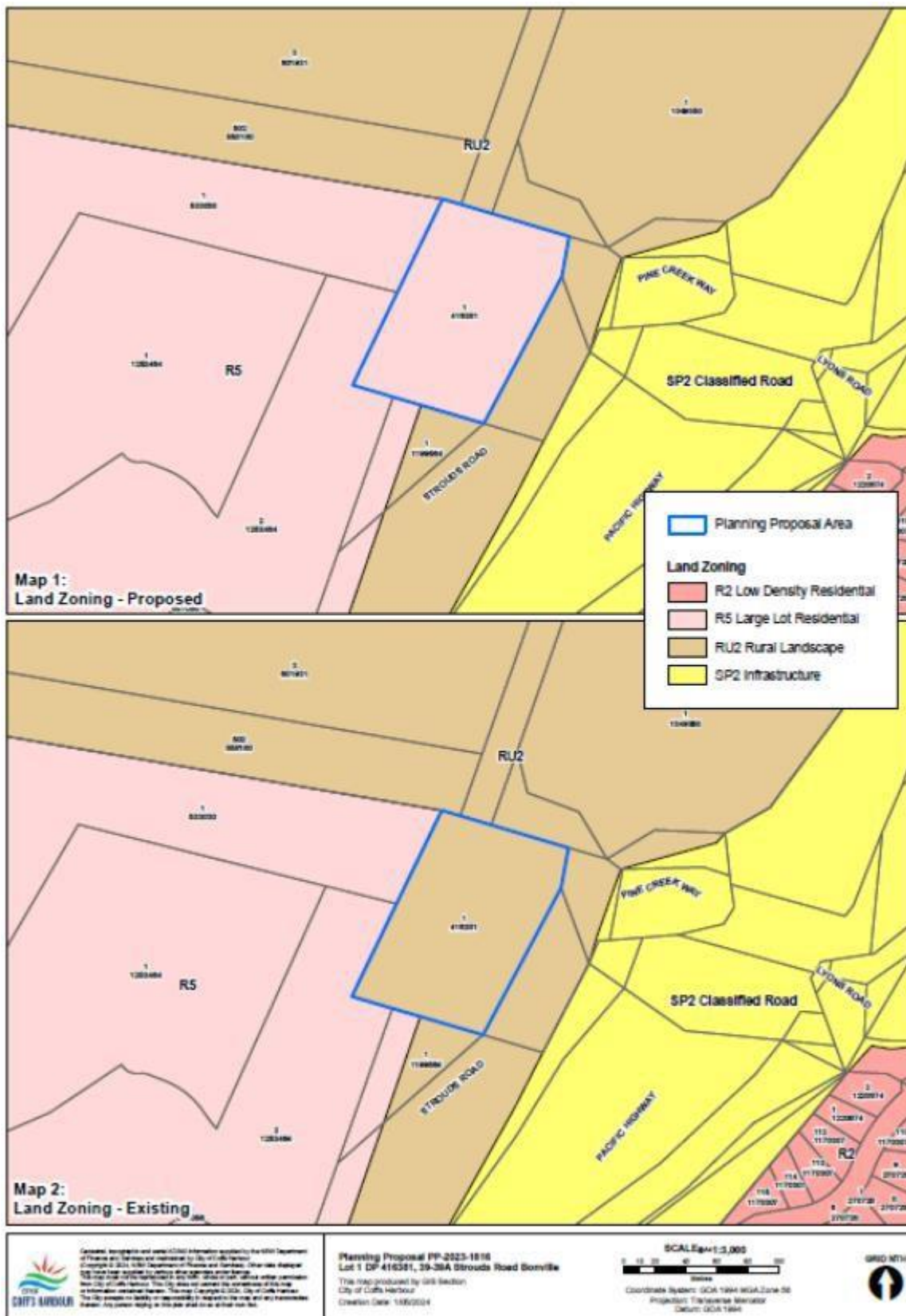


Figure 5 Proposed and existing land zoning map (source: Planning Proposal)



Figure 6 Proposed and existing minimum lot size map (source: Planning Proposal)

1.6 Background

1.6.1 Planning Proposal PP_2015_COFFS_005_00

The objective of this planning proposal was to rezone suitable rural land at Bonville for rural residential purposes in accordance with the Coffs Harbour City Rural Residential Strategy 2009. The report to Council in relation to PP-2023-1816 states that Lot 1 DP 416381 was not included as part of the investigation area in the Strategy or initially in PP_2015_COFFS_005_00 due to its proximity to the Pacific Highway, which at the time had only recently bypassed Pine Creek Way.

When Council resolved to finalise the planning proposal, additional properties including Lot 1 DP 416381 were included in the planning proposal. As the proposed rezoning of this land had not undergone community consultation, it was excluded when the LEP was made.

1.6.2 Development Application 50689/23DA

This development application was determined on 4 July 2023 and approved a dwelling house (dual occupancy – detached), pool and shed. Council advises the consent has been physically commenced.

1.6.3 Development Application 0127/24DA

This development application was lodged with Council on 7 November 2023 for a two lot Torrens title subdivision of the land. The application is currently on hold until the outcome of the planning proposal is determined.

2 Need for the planning proposal

The planning proposal is not the result of a local strategic planning statement, Department approved local housing strategy, strategic study, or report.

Notwithstanding, it is considered the proposal has demonstrated merit based on location, likely environmental, social and economic impacts on the site and surrounds and ability to be accommodated within the capacity of the current and/or future infrastructure and services.

The proposed amendment to the land zoning and minimum lot size maps is the only method of achieving the objectives and intended outcomes of the proposal.

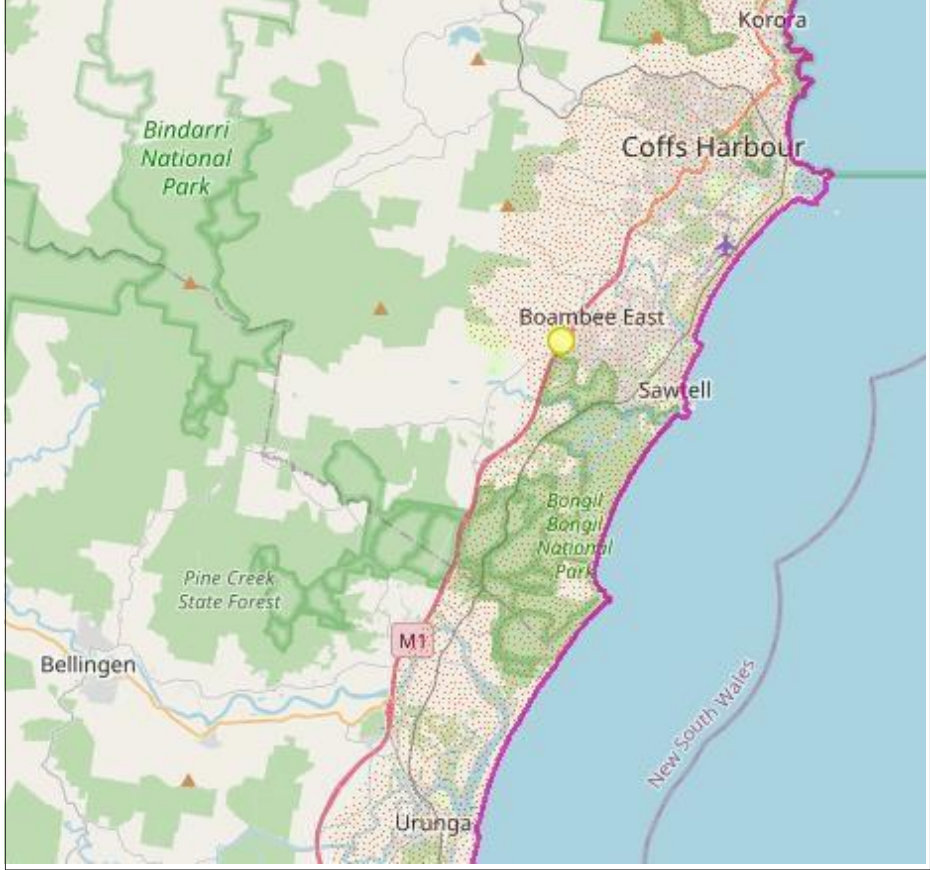
3 Strategic assessment

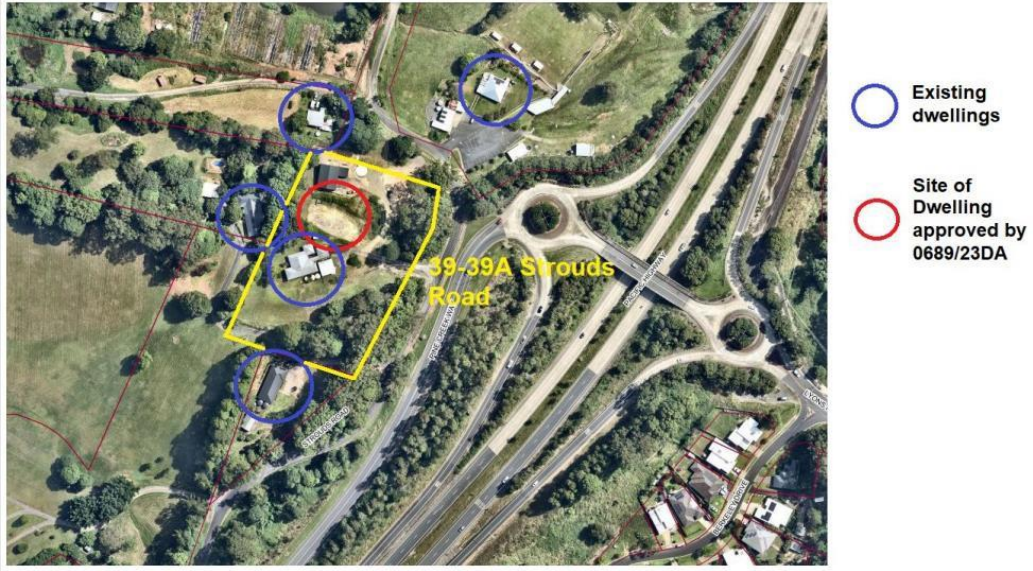
3.1 Regional Plan


The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan 2041 (NCRP).

Table 4 Regional Plan assessment

Objectives	Justification
Objective 1 Provide well located homes to meet demand	This Objective directs rural residential housing away from the sensitive coastal strip as it can be costly to service, environmentally unsustainable and can conflict with important agricultural, urban, industrial or resource lands and increase pressure for new services and infrastructure. Specifically, Strategy 1.5 requires new rural residential housing to be located on land which has been approved in a strategy endorsed by the Department and is to outside the coastal strip.

Objectives	Justification
<p>Objective 1 Provide well located homes to meet demand cont.</p>	<p>The relevant endorsed strategy is the LGMS 2020 Chapter 6 Large Lot Residential Lands. The subject land is not identified in Chapter 6 of the LGMS 2020 as a candidate area and is located within the coastal strip. In the Coffs Harbour LGA, the coastal strip is defined as land to the east of Dirty Creek, Upper Corindi, Bucca, Karangi, Upper Orara and Bonville (Figure 7).</p>  <p>Figure 7 Coastal strip mapping (source: NSW Spatial Viewer)</p> <p>It is considered that the inconsistency with the NCRP 2041 is of minor significance due to the proposal applying to a small area of land on which two dwellings have been approved and its location adjoining the Bonville Large Lot Residential area.</p> <p>In addition:</p> <ul style="list-style-type: none"> the land is not mapped as important farmland, is located away from established intensive agriculture pursuits and is unlikely to increase the potential for land use conflict (Figure 8); the Biodiversity Assessment identifies the proposal will have low impacts on biodiversity, due mainly to future approved development avoiding most areas of remnant native vegetation; and the Land Capability Assessment and Concept Plan of Subdivision demonstrates that the proposed minimum lot size of 5,000m² is suitable to accommodate an onsite wastewater management system and maintain the environmental integrity of the land adjoining land. <p>This Objective also encourages housing diversity to ensure greater housing choice is available. The proposal will contribute to the diversity of housing and tenure in the</p>

Objectives	Justification
	<p>Coffs Harbour LGA by helping to facilitate the subdivision of an approved dual occupancy on the land.</p> <p>Notwithstanding, it is recommended this Objective remain unresolved until consultation has been undertaken with the Biodiversity, Conservation and Science Directorate (BCS) and Department of Primary Industries and Regional Development (DPIRD) to confirm the suitability of the proposal.</p> <div data-bbox="389 501 1426 1070">  </div> <p>Figure 8 Coastal strip mapping (source: Planning proposal)</p>
<p>Objective 3 – Protect regional biodiversity and areas of high environmental value</p>	<p>The land contains areas of mapped potential High Environmental Value (HEV) (Figure 9).</p> <p>A Biodiversity Assessment was prepared by GeoLINK to support the proposal. The assessment provided a number of recommendations to minimise potential biodiversity impacts resulting from the proposed rezoning and future development of the site. The report concludes the proposed rezoning and future redevelopment of the site would have relatively low impacts on biodiversity, due mainly to future development avoiding most areas of forested vegetation.</p> <p>It is recommended consultation occurs with BCS to confirm the suitability of the proposal. Until consultation has been undertaken, this Objective will remain unresolved. In addition, the planning proposal should be amended to reference the potential HEV areas mapped within the site. This is included as a condition of the Gateway determination.</p>

Objectives	Justification
	 <p>Figure 9 High Environmental Value mapping (source: Northern Region Viewer)</p>
Objective 4 – Understand, celebrate and integrate Aboriginal culture	<p>This Objective aims to ensure Country is cared for and appropriately and sensitive sites are protected. The Coffs Harbour & District Local Aboriginal Land Council (LALC) completed an inspection of the site in January 2024 and no evidence of Aboriginal cultural material was found at the subject site.</p>
Objective 5 – Manage and improve resilience to shocks and stresses, natural hazards and climate change	<p>The subject land is mapped as bushfire prone land. A Bushfire Assessment has been prepared by Holiday Coast Bushfire Solutions to accompany the proposal. Consultation is required to occur with the NSW Rural Fire Service to satisfy Ministerial Direction 4.3 Planning for Bushfire Protection. A condition is included on the Gateway in this regard.</p> <p>The subject land is not affected by the 1% AEP flood event. It is mapped as containing Class 5 acid sulfate soils. These matters are discussed in further detail in section 4.1 of this report.</p>
Objective 8 – Support the productivity of agricultural land	<p>The proposal is not supported by a strategy or a study to facilitate expansion of the R5 zone to this site. Unplanned expansion of rural residential areas into the rural landscape is generally not supported as it is considered likely to result in increased pressure for rural land fragmentation, increased potential for land use conflict and adverse impacts on the agricultural sector.</p> <p>Due to small area of land involved, the land not being identified as important farmland under the NCRP 2041 (Figure 10), its location directly adjoining an</p>

[illegible]

Figure 10 Important farmland mapping (source: Northern Region Viewer)

Local Government Narrative – Coffs Harbour	The planning proposal is not inconsistent with the Local Government Narrative as it will deliver housing with minimal impact upon the agricultural and biodiversity values of the Coffs Harbour LGA.
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3.2 Local

The proposal states that it is consistent with the following local plans and strategies, except for the LGMS 2020. The inconsistency with the LGMS 2020 has been justified by Council.

Table 6 Local strategic planning assessment

Local Strategies	Justification
Coffs Harbour Local Strategic Planning Statement 2020	<p>The Coffs Harbour Local Strategic Planning Statement (LSPS) 2020 was adopted by Council on 25 June 2020 and provides a 20-year land use planning vision for the Coffs Harbour Local Government Area (LGA).</p> <p>The planning proposal is not inconsistent with Planning Priority 5: Deliver greater housing supply choice and diversity. Action 5.1 recommends reviewing and amending Council's local planning controls relating to housing supply, choice and diversity as outlined in the LGMS.</p>

The proposal states that it is consistent with the following local plans and strategies, except for the LGMS 2020. The inconsistency with the LGMS 2020 has been justified by Council.

Table 6 Local strategic planning assessment

Local Strategies	Justification
Coffs Harbour Local Strategic Planning Statement 2020	<p>The Coffs Harbour Local Strategic Planning Statement (LSPS) 2020 was adopted by Council on 25 June 2020 and provides a 20-year land use planning vision for the Coffs Harbour Local Government Area (LGA).</p> <p>The planning proposal is not inconsistent with Planning Priority 5: Deliver greater housing supply choice and diversity. Action 5.1 recommends reviewing and amending Council's local planning controls relating to housing supply, choice and diversity as outlined in the LGMS.</p>

	<p>In relation to Priority 7: Protect and conserve the natural, rural, built and cultural heritage of Coffs Harbour, while the proposal does not preserve agricultural rural land due to its proposed rezoning to R5, it does make efficient and effective use of the land and responds to, and balances the competing interests of, development in a sustainable way due to its size, location and approved use for a dual occupancy.</p>
MyCoffs Community Strategic Plan 2032	<p>The Community Strategic Plan sets out Council's long-term aspirations to 2032. The proposal is not inconsistent with the 'A Place for Community' priority in that it will provide for additional housing in the Coffs LGA.</p>
Coffs Harbour Local Growth Management Strategy 2020	<p>Chapter 6 of the Coffs Harbour Local Growth Management Strategy (LGMS) 2020 was adopted by Coffs Harbour City Council on 28 November 2019. The Department endorsed this chapter on 13 January 2020.</p> <p>The LGMS identifies potential priority candidate areas to ensure that future large lot residential opportunities are located to enable efficient infrastructure provision. The proposal is inconsistent with the LGMS as the land is not identified as a candidate area for rural residential purposes within Chapter 6.</p> <p>Council justifies the inconsistency with the LGMS on the basis that:</p> <ul style="list-style-type: none"> a) the proposed rezoning was previously supported by Council as part of the Bonville Large Lot Residential rezoning process; b) the land contains an existing approved dwelling on a 1.13 ha site and has development consent for a second dwelling which has been substantially commenced; c) the land parcel has already been developed to its intended potential, and will have neutral affects on the surrounding lands; d) the land is fragmented and isolated, not suited to agricultural pursuits, and shares similar attributes to adjoining R5 land situated to the west and south; and e) it represents a minor and contiguous variation to the existing Bonville large lot residential zone boundary. <p>It is acknowledged that a) provides context for the planning proposal, but the Department does not accept that Council's historic support for a rezoning demonstrates it has merit. Particularly, given the other properties omitted from the Bonville Large Lot Residential rezoning process have been identified as candidate areas for rural residential development in the LGMS 2020.</p> <p>It is, however, agreed the inconsistency with the LGMS is of minor significance due to small area of land involved, the land not being identified as important farmland under the NCRP 2041, its location directly adjoining an existing rural residential area and the approval for two dwellings.</p> <p>The LGMS nominates it is not rigid on a land size for the R5 zone and indicates that planning proposal to rezone land should apply a minimum lot size relevant to the characteristics of the land. This will need to be based on a site-specific and detailed land capability assessment.</p> <p>The Land Capability Assessment included with this planning proposal has demonstrated that a minimum lot size of 5,000m² would be acceptable for the purposes of onsite sewerage management. Further, it is considered that the proposed minimum lot size will be sufficient to ensure that future lots will</p>

	<p>achieve a practical and efficient layout in a rural residential context, having regard to the approved dual occupancy development.</p> <p>It is recommended consultation occurs with BCS and DPIRD to confirm the suitability of the proposal.</p>
Coffs Harbour Regional City Action Plan 2036	The Coffs Harbour Regional City Action Plan provides a framework to manage and shape the city's future growth so it conforms with the requirements of the NCRP Plan 2036. The proposal is not inconsistent with the Plan as it will support the provision of an additional allotment, supporting housing choice.

3.3 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Unresolved	The planning proposal is inconsistent with this Direction as discussed above in relation to the NCRP 2041 and matters requiring further consultation and investigation with agencies.
3.1 Conservation Zones	Unresolved	The planning proposal may be inconsistent with this Direction as it contains areas mapped as potential HEV under the NCRP 2041. The planning proposal is supported by a biodiversity assessment which indicates the proposal would have relatively low impacts on biodiversity, due mainly to future development avoiding most areas of forested vegetation. However, it is recommended that this direction remain unresolved until consultation with BCS has been undertaken.
4.3 Planning for Bushfire Protection	Unresolved	The planning proposal is potentially inconsistent with this Direction as the subject site is mapped as bushfire prone. The Direction provides that Council must consult with the Commissioner of the NSW Rural Fire Service after a Gateway determination is issued and before community consultation is undertaken. Until consultation has been undertaken, the Direction remains unresolved.

4.5 Acid Sulfate Soils	Minor significance	<p>This Direction applies as the subject land is mapped as containing Class 5 acid sulfate soils.</p> <p>Clause 7.1 of the Coffs Harbour LEP 2013 requires acid sulfate soils to be considered and addressed as part of any development application to ensure that a proposed development does not disturb, expose or drain acid sulfate soils and cause environmental damage. As this matter can be satisfactorily addressed at the development stage, the inconsistency is considered to be of minor significance.</p>
8.1 Mining, Petroleum Production and Extractive Industries	Minor significance	<p>The proposal is inconsistent with this Direction as it will prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials by rezoning the land for residential purposes. It is considered the inconsistency is of minor significance as the site's small size and its proximity to nearby residential areas make it unlikely to be suitable for these activities.</p>
9.1 Rural Zones	Unresolved	<p>The proposal is inconsistent with this Direction as it seeks to increase the permissible density of land within a rural zone and is not justified by an endorsed strategy or study.</p> <p>Notwithstanding, the inconsistency is considered to be minor given the size of the land proposed for rezoning, its location adjoining existing R5 land and approved dual occupancy. However, the Direction will remain unresolved until consultation is carried out with DPIRD to confirm the suitability of the proposal.</p>
9.2 Rural Lands	No – Unresolved	<p>The planning proposal is inconsistent with this Direction as it will affect land within an existing rural zone and does not satisfy all of the stated objectives such as supporting farmers right to farm.</p> <p>The inconsistency is considered minor for the reasons discussed in Direction 9.1 above. However, the Direction will remain unresolved until consultation is carried out with DPIRD to confirm the suitability of the proposal.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment


4.1 Environmental

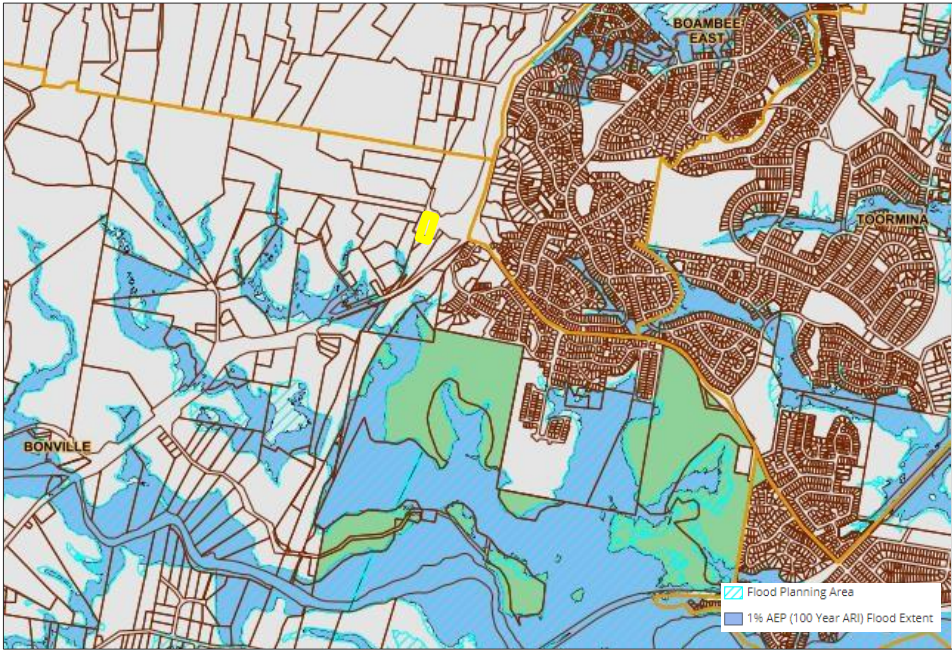
The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Flora and fauna	<p>The subject land is mapped as containing potential HEV land.</p> <p>A Biodiversity Assessment prepared by GeoLINK was submitted with the planning proposal. Plant Community Type (PCT) 3250 Northern Foothills Blackbutt Grassy Forest occurs along the eastern boundary and south-eastern corner of the site (Figure 11).</p> <p>The assessment indicates that while no significant or core habitat for threatened fauna occurs at the site, the site provides potential habitat for a number of locally occurring threatened fauna species.</p> <p>The subject land does not contain any mapped koala habitat. However, koala scats were detected along the length of the eastern boundary beneath several Tallowwood and Blackbutt trees.</p> <p>A number of recommendations have been provided to minimise biodiversity impacts which may result from the proposed rezoning and future development of the site. These include the avoidance of clearing native vegetation, adding the areas of PCT 3250 to Council's Preservation of Vegetation (PoV) mapping (triggering compensatory planting requirements) or alternatively protecting these areas on title under Section 88b of the Conveyancing Act 1919.</p> <p>It is recommended consultation occurs with BCS to confirm the suitability of the proposal. A condition is imposed on the Gateway determination in this regard.</p>

Environmental Impact	Assessment
	<p>Figure 11 Biodiversity constraints (source: GeoLINK)</p>
Contamination	<p>The planning proposal states that contamination was considered as part of development approval 0689/23DA for a dwelling (dual occupancy – detached).</p> <p>It was concluded that the land is currently used for residential purposes and does not have any apparent history of land use that would indicate any potential for contamination. Further, Council does not hold records that an activity that may have likely caused contamination has been approved or licenced on the land.</p> <p>The Development Assessment Report for 0689/23DA stated the following:</p> <ul style="list-style-type: none"> • The subject land is currently developed with a dwelling house, outbuilding, onsite waste management system, access driveway and is used for rural residential purposes. • There is no evidence of former dip sites, packing sheds or the like within or nearby the proposed building area. • The City of Coffs Harbour Land Contamination Map does not identify the site as being constrained by potential contamination. • The land is not listed on the NSW Environment Protection Authority's contaminated land record of notices, as accessed on 18th April 2023. <p>Given Council has considered whether the land may be contaminated and potential contamination has been addressed as part of 0689/23DA, no issues are raised in relation to potential contamination.</p>

Environmental Impact	Assessment
Land use conflict	<p>The land surrounding the site is zoned R5 to the west and south and RU2 Rural Landscape to the north. The properties zoned RU2 to the north are currently used for agricultural purposes. Mapped Mid North Coast Farmland exists approximately 600 metres to the north and south.</p> <p>The proposal states that the land is separated from adjacent agricultural land uses by existing vegetation and topography and therefore no Land Use Conflict Risk Assessment has been supplied with the planning proposal.</p> <p>Although the proposal will result in an additional allotment, it is considered the potential for an increase in land use conflict to be minimal given a dual occupancy has already been approved by Council on the land and it is surrounded by other dwellings to the north, south and west.</p> <p>However, as discussed above, it is recommended consultation be undertaken with DPIRD to confirm the suitability of the proposal.</p>
Noise	<p>The eastern boundary of the site is situated approximately 100m from the Pacific Highway. The proposal will allow for the creation of an additional lot, increasing the potential for noise impacts.</p> <p>Road traffic noise impacts have not been discussed within the planning proposal and it is unclear how these impacts were addressed under development approval 0689/23DA.</p> <p>It is recommended the planning proposal be amended to include further discussion of potential for noise impacts and appropriate mitigation measures if relevant.</p>
Bushfire	<p>The subject land is bushfire prone (Figure 12).</p>  <p>Figure 12 Bushfire prone land mapping (source: NSW Spatial Viewer)</p>

Environmental Impact	Assessment
	<p>The planning proposal has included a Bushfire Assessment Report prepared by Holiday Coast Bushfire Solutions which concludes the proposal can meet the requirements of Planning for Bushfire Protection (PBP) 2019.</p> <p>Consultation with the NSW Rural Fire Service is required as a condition of the Gateway determination and is required to satisfy the requirement of Ministerial Direction 4.3 Planning for Bushfire Protection.</p>
Flooding	<p>The most recent flood study information for Bonville is contained in the Bonville, Pine and Middle Creek Flood Study from 1995. An updated flood study is currently being developed.</p> <p>The land is not impacted by the 1% AEP flood event (Figure 13). Evacuation to Bonville to the south-west of the land via Pine Creek Way is impacted in the 1% AEP flood event. Access via Stroud Road to the Pacific Highway is unimpeded during the 1% AEP flood event enabling access to Toormina and Coffs Harbour.</p>  <p>Figure 13 Bushfire prone land mapping (source: Council Spatial Viewer)</p>
Acid sulfate soils	<p>The subject land is mapped as containing Class 5 acid sulfate soils.</p> <p>The discussion of section 9.1 Ministerial directions within the proposal states that the subject land does not contain any mapped acid sulfate soils. This is required to be addressed and forms part of the Gateway conditions.</p>

4.2 Social and economic

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

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social infrastructure	The proposal will allow for the creation of an additional lot to enable the subdivision of an approved dual occupancy development.
Economic	No negative economic effects are anticipated from the intended outcomes of the proposal.
Heritage	<p><i>European heritage</i></p> <p>The allotment does not contain any items listed as Heritage items in Schedule 5 of the Coffs Harbour LEP 2013 or the State Heritage Register. The nearest heritage item is over 3km from the site. Therefore, the proposal is unlikely to impact upon the scheduled items or curtilage.</p> <p><i>Aboriginal heritage</i></p> <p>The planning proposal states that an Aboriginal Cultural Heritage Site Assessment was undertaken on the subject land by a Cultural Site Officer from the Coffs Harbour & District Local Aboriginal Land Council. The assessment concluded that no evidence of Aboriginal cultural material was found on the subject land.</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 11 Infrastructure assessment

Infrastructure	Assessment
Local	<p>Vehicular access</p> <p>A Vehicular Access Assessment prepared by Weavers Consulting Group Pty Ltd dated 23 September 2023 was submitted with the proposal and concluded that the proposed shared access arrangements are satisfactory.</p> <p>The recent approval of 0689/23DA has assessed traffic generation and access arrangements for the new dwelling. Any augmentation to the existing infrastructure required to service a future subdivided lot would be addressed at the subdivision stage in accordance with Council's Planning and Design Development Specifications.</p>

Local	<p>Traffic</p> <p>Strouds Road is a rural local access road approximately 600 metres in length. The Vehicular Access Assessment confirms the traffic volume on Strouds Road is low. It is not considered the proposal will result in any adverse impacts in terms of functioning or safety of the local road network.</p> <p>Water supply</p> <p>The subject land is not serviced by reticulated water supply. Water supply for the additional allotment will be achieved via on-site water collection.</p> <p>Sewage management</p> <p>The planning proposal has been accompanied by an On-Site Sewage Management Capability Assessment prepared by O'Meara Wood & Associates Pty Ltd which confirms the capacity for suitable wastewater management following the subdivision of the land.</p> <p>Further, approval has been issued by Council under the Local Government Act 1993 on 18 July 2023 for the installation of an on-site system to service the dwelling house approved via 0689/23DA.</p> <p>Telecommunications and electricity</p> <p>The planning proposal states that NBN fixed line telecommunications infrastructure is available to the locality and Essential Energy's overhead electrical infrastructure will be extended underground to serve the proposed vacant lot.</p> <p>The provision of services will be considered by Council as part of a development application for the subdivision of the land.</p>
State	<p>There will be no impact on State or regional infrastructure or the requirement for additional funding.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days (20 working days).

The exhibition period proposed is considered appropriate and forms part of the conditions of the Gateway determination.

5.2 Agencies

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

- NSW Rural Fire Service
- Biodiversity, Conservation and Science Directorate
- NSW Department of Primary Industries and Regional Development - Agriculture

6 Timeframe

Council proposes a six month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of six months in line with its commitment to reducing processing times and with regard to the benchmark timeframes. 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.

It is recommended that Council is 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 proposal represents a minor extension to the existing R5 zone;
- the impacts of the proposal are localised to the site;
- the proposed minimum lot size restricts future development to one additional lot;
- the proposal is not expected to result in any adverse social, economic or environmental impacts.

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

- identify the land is mapped as potentially containing acid sulfate soils and address the requirements of section 9.1 Direction 4.5 Acid Sulfate Soils;
- amend the discussion under Objective 3 of the North Coast Regional Plan 2041 to reference that the land contains mapped areas of potential high environmental value; and
- include discussion of potential for noise impacts from the Pacific Highway and appropriate mitigation measures, if relevant.

9 Recommendation

It is recommended the delegate of the Secretary:

- **agree** that any inconsistency with section 9.1 Direction 4.5 Acid Sulfate Soils and 8.1 Mining, Petroleum Production and Extractive Industries is minor or justified; and
- **note** that the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 4.3 Planning for Bushfire Protection, 9.1 Rural Zones and 9.2 Rural Lands is unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
 - a. identify the land is mapped as potentially containing acid sulfate soils and address the requirements of section 9.1 Direction 4.5 Acid Sulfate Soils;
 - b. amend the discussion under Objective 3 of the North Coast Regional Plan 2041 to reference that the land contains mapped areas of potential high environmental value; and

- c. include discussion of potential for noise impacts from the Pacific Highway and appropriate mitigation measures, if relevant.
- d. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Department of Climate Change, Energy, the Environment and Water - Biodiversity, Conservation and Science Directorate
 - NSW Department of Primary Industries and Regional Development (Agriculture)
- e. The planning proposal should be made available for community consultation for a minimum of 20 working days.
- f. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.
- g. Given the nature of the planning proposal, Council should be authorised to be the local plan-making authority.



22-08-2024

(Signature)

(Date)

Lucy Walker
Manager, Local Planning and Council Support
Hunter and Northern Region



22-08-2024

(Signature)

(Date)

Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support

Assessment officer

Georgia Weallans
Planning Officer, Hunter and Northern Region
5778 1413