



Gateway determination report – PP-2024-2635

Facilitate large lot residential and environmental conservation outcomes at 203 North Bonville Road, Bonville

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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, City of Coffs Harbour, May 2025
Preliminary Acid Sulfate Soil Assessment, Earth Water Consulting, 22 July 2024
Wastewater Management Plan, Earth Water Consulting, 22 July 2024
Land Capability Assessment and Minimum Lot Size Analysis, Earth Water Consulting, 22 July 2024
Biodiversity Assessment Report, Cedar Ecology, August 2024
Flood Risk Assessment, de Groot & Benson Pty Ltd, 1 May 2025
Bushfire Strategic Study, Holiday Coast Bushfire Solutions, 21 August 2024
Aboriginal Heritage Cultural Due Diligence (Desktop) Assessment, Tim Hill Heritage Management and Planning Pty Ltd, 31 October 2024
Preliminary Environmental Site Assessment, Earth Water Consulting, 22 July 2024
Wastewater Management Plan, Earth Water Consulting, 22 July 2024
Ordinary Council Meeting Agenda and Minutes, 22 May 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Coffs Harbour
PPA	Coffs Harbour
NAME	Facilitate large lot residential and environmental conservation outcomes at 203 North Bonville Road, Bonville
NUMBER	PP-2024-2635
LEP TO BE AMENDED	Coffs Harbour Local Environmental Plan 2013
ADDRESS	203 North Bonville Road, Bonville
DESCRIPTION	Lot 1 DP554581
RECEIVED	26/05/2025
FILE NO.	IRF25/1225
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 objective of the planning proposal is to help facilitate the subdivision of Lot 1 DP 554581, 203 North Bonville Road, Bonville while also protecting areas of high environmental significance.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The intended outcomes of the planning proposal are proposed to be achieved by:

- rezoning part of the lot from zone R5 Large Lot Residential to zone C2 Environmental Conservation;
- amending the minimum lot size from 1 hectare to 4500m² in those parts of the lots to be retained in the R5 Large Lot Residential zone; and
- amending the Terrestrial Biodiversity Map to include those parts of the lots proposed to be rezoned to C2 Environmental Conservation.

The proposed maps contained in the proposal also show an amendment to the minimum lot size from 1 hectare to 40 hectares in those parts of the lot proposed to be rezoned to C2 (Figure 3). Prior to exhibition, the explanation of provisions contained in Part 2 of the planning proposal will need to be updated to identify this proposed change.

1.4 Site description and surrounding area

The site is irregular in shape, is accessed via North Bonville Road, Bonville and backs onto Burgess Creek. It contains an existing dwelling house with associated ancillary outbuildings (Figures 1 and 2).

The lot is 2.024 hectares in area and located in a locality comprising established rural residential development and lots of varying sizes.



Figure 1: Location map (source: Six maps)



Figure 2: Site context (source: Six maps)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning (Figure 3), Lot Size (Figure 4) and Terrestrial Biodiversity (Figure 4) 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.

As noted in section 1.3 of this report, Part 2 of the planning proposal will need to be updated prior to consultation to reflect the changes proposed to the Lot Size Map (Figure 3).



Figure 3: Existing and Proposed Lot Size Maps (source: planning proposal)

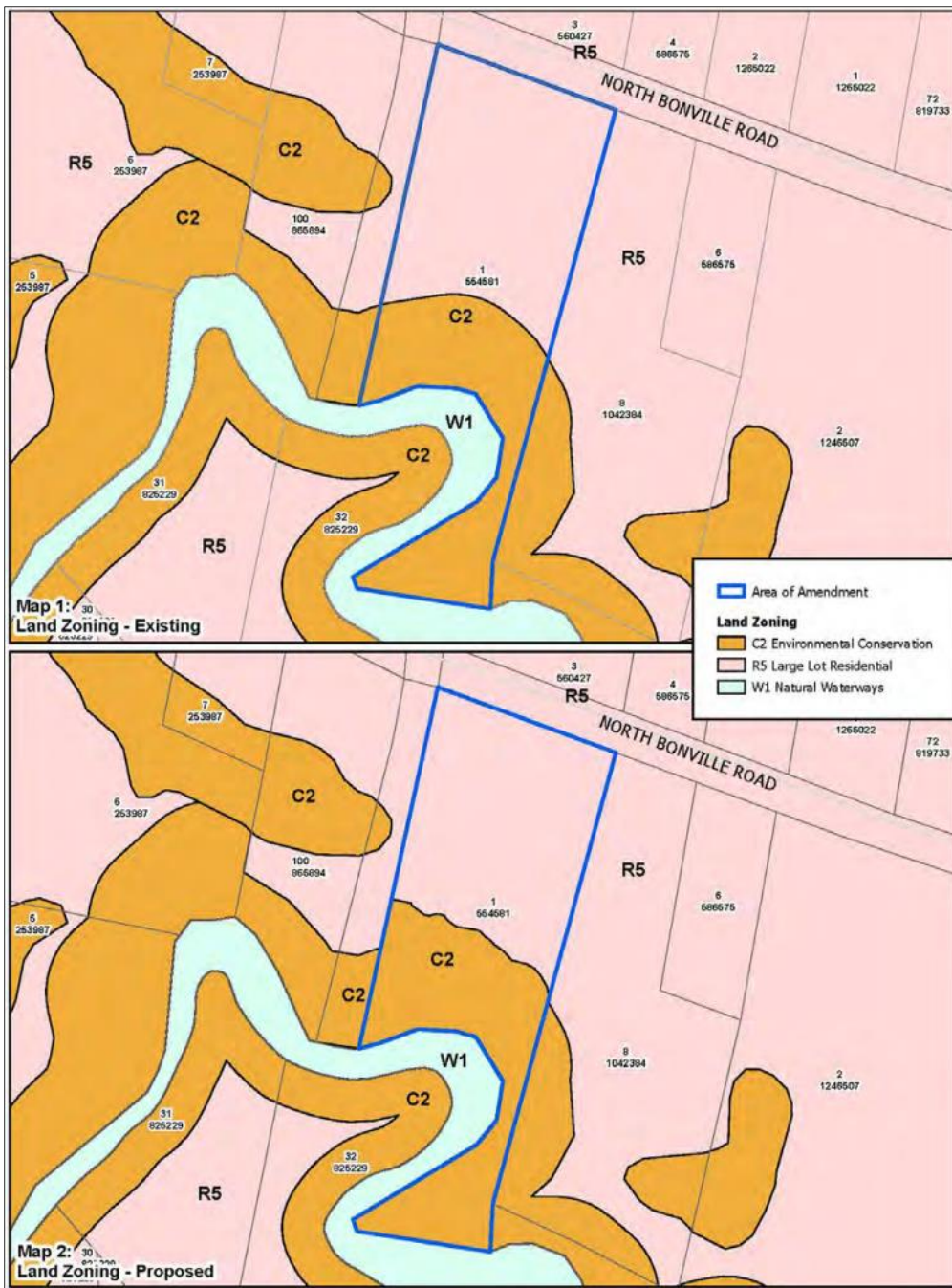


Figure 4: Existing and proposed minimum lot size map - Sheet LSZ_006 (source: planning proposal)

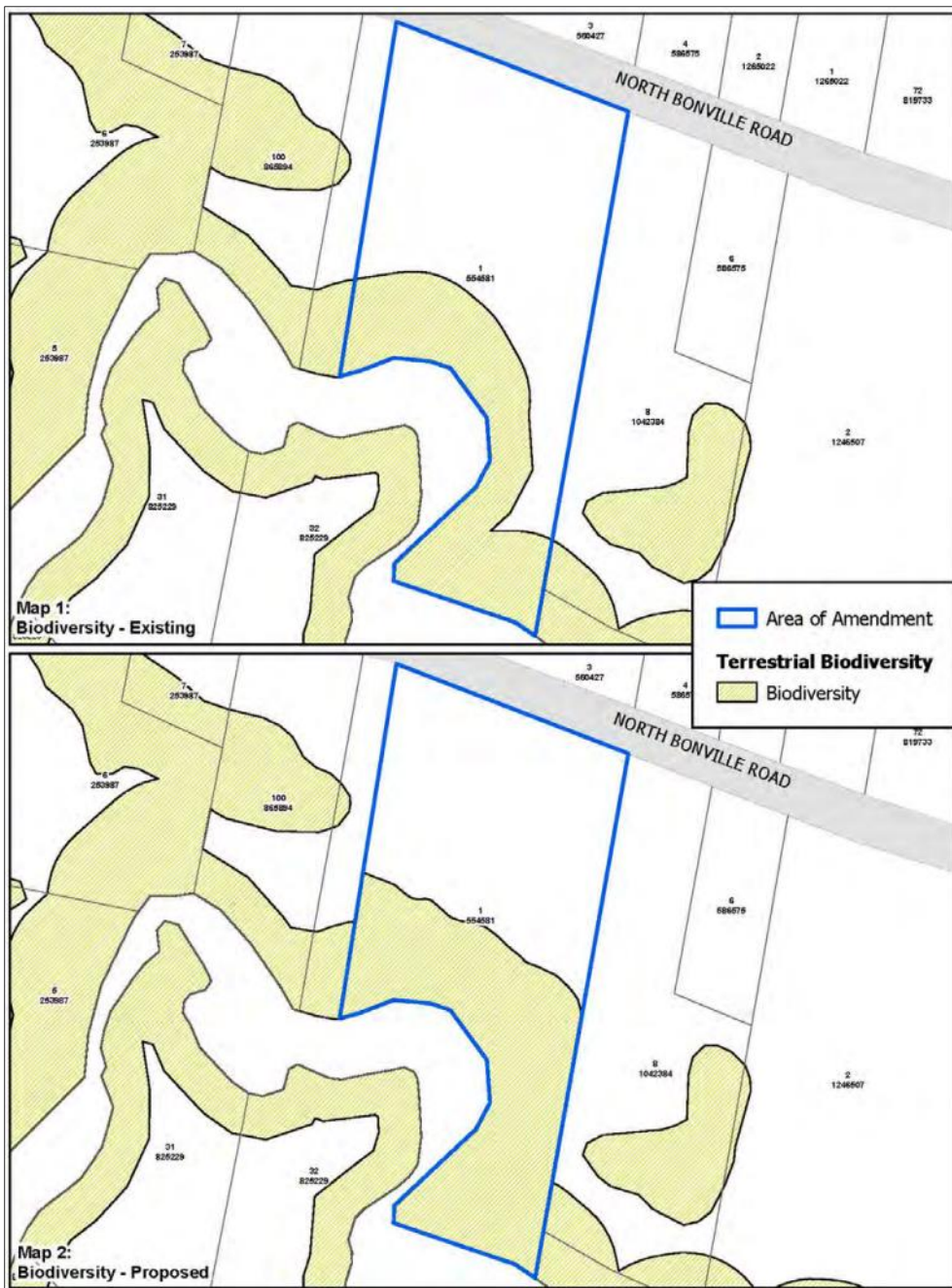


Figure 5: Existing and proposed Terrestrial Biodiversity Map - Sheet CL2_006 (source: planning proposal)

2 Need for the planning proposal

The proposal is the result of the Department approved Coffs Harbour Local Growth Management Strategy – Coffs Harbour to 2040 and beyond: (LGMS) Chapter 6 – Large Lot Residential Lands.

Chapter 6 of the Coffs Harbour LGMS identifies that a proponent-initiated planning proposal can be undertaken to reduce the minimum lot size in the R5 zone where it can be demonstrated the site has an adequate area for onsite waste disposal.

The proposal is supported by a Land Capability Assessment which confirms that the site and the proposed subdivision layout can adequately provide for onsite wastewater disposal for each lot should the land be subdivided.

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 (NCRP).

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 1: Provide well located homes to meet demand	The NCRP directs new rural residential housing to land which has been approved in a strategy by the Department to enhance and protect the natural environment. The proposal is satisfactory as the land is already zoned R5 Large Lot Residential and is consistent with the Department approved Coffs Harbour to 2040 and beyond: (LGMS) Chapter 6 – Large Lot Residential Lands.
Objective 3: Protect regional biodiversity and areas of high environmental value	<p>A Biodiversity Assessment was prepared to support the proposal in July 2024. The report identifies areas of high environmental value (HEV) within the southern portion of the lot. To limit negative impacts on these sensitive areas it is proposed to expand the C2 zone and Terrestrial Biodiversity map consistent with the requirements of the regional plan.</p> <p>It is recommended consultation is undertaken with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to confirm the suitability of the assessment.</p>
Objective 4 – Understand, celebrate and integrate Aboriginal culture	<p>An Aboriginal Due Diligence Assessment was undertaken in October 2024 as an AHIMS search identified two sites within the general vicinity of the study area.</p> <p>The assessment determined there is not a high probability that isolated artifacts would be in the study area, due to being an alluvial terrace removed from Pine Creek / Bongil Bongil Estuary, in conjunction with a history of ground disturbance from previous land uses. The assessment provides for mitigation measures and recommendations to be considered at development stage.</p> <p>It is recommended consultation is undertaken with the Coffs Harbour and District Local Aboriginal Land Council (LALC) to confirm the suitability of the proposal.</p>
Objective 5 – Manage and improve resilience to shocks and stresses, natural hazards and climate change	<p>The site is mapped as bushfire prone land. A Bushfire Assessment Report was prepared in August 2024 that indicates the land is suitable for intensified use subject to conditions imposed at the development application stage. Consultation is also required to occur with the NSW Rural Fire Service in accordance with Ministerial Direction 4.3 Planning for Bushfire Protection. A condition is included on the Gateway in this regard.</p> <p>The site is also identified as partially flood prone. The Flood Risk Assessment prepared to accompany the proposal demonstrates the revised R5 zone is generally located above the 100-year ARI flood event and the Probable Maximum Flood (PMF) event and an adequate flood free building envelope is available. Flooding is discussed in detail in section 4.1 of this report.</p>

Objective 8 – Support the productivity of agricultural land	The site is mapped as important farmland under the NCRP 2041. The proposal is considered to be consistent with the NCRP 2041 which states that “agricultural production may not be suitable on small pockets of farmland due to non-biophysical factors that make the land more suited to other uses” as the site and surrounding lands are already zoned and used for rural residential purposes.
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 biodiversity values of the Coffs Harbour LGA.

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 4 Local strategic planning assessment

Local Strategies	Justification
MyCoffs Community Strategic Plan (CSP)	The proposal is not inconsistent with the CSP and aligns with the Theme of a ‘A Place for Community’ as it will provide for additional housing in the Coffs LGA and aims to protect identified HEV through the application of a C2 zone.
Coffs Harbour Local Strategic Planning Statement 2020 (LSPS)	<p>The planning proposal is not inconsistent with the Coffs Harbour LSPS. The relevant planning priorities and actions within the strategy, include:</p> <ul style="list-style-type: none"> Planning Priority 5: Deliver greater housing supply, choice and diversity. <ul style="list-style-type: none"> Action A5.5: Implement remaining actions from the Local Growth Management Strategy as funding allows. Planning Priority 7: Protect and conserve the natural, rural, built and cultural heritage of Coffs Harbour. <ul style="list-style-type: none"> Action A7.3: Implement actions from the Local Growth Management Strategy as funding allows
Coffs Harbour Regional City Action Plan 2036 (RCAP)	The RCAP provides a framework to manage and shape the city’s future growth. The proposal is not inconsistent with the RCAP as it will support the provision of an additional allotment and dwelling house, supporting housing choice.
Coffs Harbour Local Growth Management Strategy 2020 (LGMS)	<p>Chapter 6 of the Coffs Harbour LGMS was conditionally approved by the Department on 13 January 2020. The proposal is consistent with Chapter 6 which identifies that a proponent-initiated planning proposal can be undertaken to reduce the minimum lot size in the R5 zone where it can be demonstrated the site has an adequate area for onsite waste disposal.</p> <p>The proposal is supported by a Land Capability Assessment which confirms that the site and the proposed subdivision layout can adequately provide for onsite wastewater disposal for each lot should the land be subdivided.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with relevant section 9.1 Directions except as discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	Unresolved	<p>The planning proposal is inconsistent with this direction as it applies to land that is mapped as flood prone and does not include provisions that give effect to and that are consistent with the policies identified within the Direction.</p> <p>Flooding is discussed in detail in section 4.1 of this report. A condition has been imposed on the Gateway determination to require that Council include additional detail in the planning proposal in relation to flooding.</p> <p>Until the planning proposal is updated with the required additional detail in relation to flooding and consultation is undertaken with DCCEEW, consistency with this Direction will remain unresolved.</p>
4.3 Planning for Bushfire Protection	Unresolved	<p>This direction applies as the site is mapped as bushfire prone land. A Bushfire Strategic Study has been provided to support the planning proposal which confirms that the proposal is satisfactory in regard to bushfire risk.</p> <p>The direction requires that Council must consult with the Commissioner of the NSW RFS after a Gateway determination has been issued. Until consultation has occurred, consistency with this direction remains unresolved</p>
4.5 Acid Sulfate Soils	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as it affects Class 4 and 5 acid sulfate soils and is not supported by an appropriate acid sulfate soils study.</p> <p>The inconsistency is considered to be of minor significance as a Preliminary Acid Sulfate Soils Investigation (desktop) has been prepared that indicates biophysical indicators, field screening and soil profiles suggest that the properties are unlikely to be underlain by acid sulfate soil.</p> <p>Further, the Coffs Harbour LEP 2013 contains existing provisions that will ensure acid sulfate soils are considered and appropriately addressed as part of any future development application.</p>

5.1 Integrating Land Use and Transport	Justifiably inconsistent	<p>This direction is relevant to the planning proposal as it will alter a provision relating to urban land.</p> <p>The proposal is inconsistent with this direction as it has not considered consistency of the proposal with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>The inconsistency is considered to be of minor significance as the proposal has the capacity to only create one additional lot within an existing rural residential area.</p>
9.2 Rural Lands	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as it affects land within a proposed conservation zone area and does not implement all the requirements of the direction such as supporting farmers in exercising their right to farm.</p> <p>This inconsistency is considered to be of minor significance as the affected land is already zoned R5 Large Lot Residential and the changes are only intended to better reflect the environmental significance of the land.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is considered 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 6 Environmental impact assessment

Environmental Impact	Assessment
Bushfire	<p>The land is identified as being bushfire prone (Figure 6) and a Strategic Bushfire Report has been prepared to support the proposal. This report demonstrates that the proposal complies with relevant objectives and performance criteria within Planning for Bushfire Protection 2019. The report provides for several recommendations to be considered at the development stage. Consultation with the NSW RFS is required to satisfy Direction 4.3 Planning for Bushfire Protection.</p>



Figure 6: Bushfire Prone Land (source: Strategic Bushfire Assessment)

Biodiversity

The proposal is accompanied by a Biodiversity Assessment. The site assessment provided in the report identifies the following biodiversity constraints associated with the lot:

- riparian areas associated with Burgess Creek which provide aquatic habitat values and local connectivity for terrestrial fauna species;
- areas of regenerating wet sclerophyll forest associated with Camphor Laurel Forest in the south of the site which are indicative of a regenerating form of the Lowland Rainforest TEC; and
- mapped Primary Koala Habitat in the south of the site.

The assessment confirms that these constraints are of high environment value (HEV) by definition (Figure 7) and as a consequence, the planning proposal includes provisions to minimise any biodiversity impacts which may result from the proposed rezoning and future development of the site. This includes expansion of the C2 zone and Terrestrial Biodiversity Map to cover all sensitive areas identified within the lot.

In relation to the mapped primary Koala Habitat in the south of the site, the assessment identifies that the mapped area does not include any primary Koala food trees and only contains two Pink Bloodwood trees which are considered to be 'Koala use' tree species locally. Areas of Primary Koala Habitat will be retained within C2 zoned land and will not be impacted by the proposal and future development on the site.

It is noted that the southern boundary of proposed Lot 1 in the accompanying concept subdivision layout traverses a section of vegetation Plant Community Type 3161 Mid North Hinterland Wet Forest. Due to the vegetation clearing provisions associated with an existing electrical easement, a small portion of this vegetation has not been included within the proposed amendment to Land Zoning and Terrestrial Biodiversity Maps which is considered appropriate.

The report nominates that preliminary consultation has been undertaken with DCCEEW in relation to the proposal. Notwithstanding, it is recommended formal consultation be undertaken with DCCEEW as a condition of the Gateway determination.



Figure 7: HEV Areas (source: Biodiversity Assessment)

On-site sewage management

The proposal is supported by a Minimum Lot Size and Land Capability Assessment which concludes the proposed 4500m² minimum lot size can appropriately accommodate existing and future on-site sewage management. A Wastewater Management Plan outlines the approach for the replacement of the existing on-site sewage management system required for future subdivision and development.

Acid sulfate soils

The planning proposal is supported by a Preliminary Acid Sulphate Soil Assessment. Site inspections of biophysical indicators, soil profiles and lack of groundwater to 1.2m depth, plus field screening indicated no potential or actual acid sulfate soils. Mapping of the site does indicate low probability acid sulfate soils mapped in the shallow floodway alignment of Burgess Creek, but this area is located within the existing C2 zone and is unlikely to be developed.

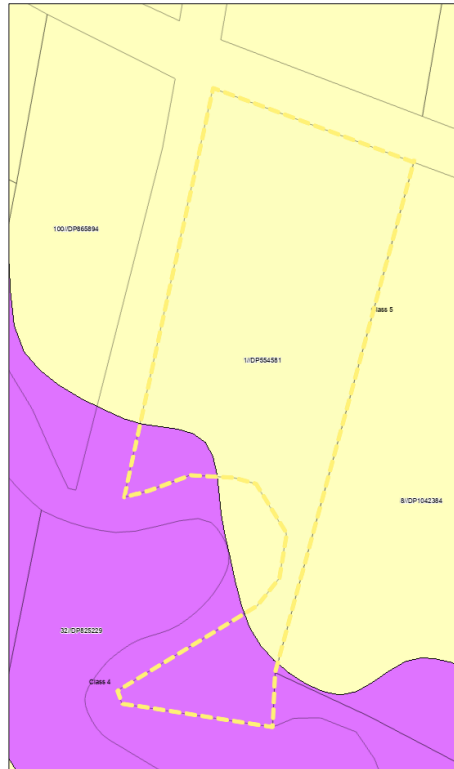


Figure 8: Acid sulfate soils (source: Planning spatial viewer)

Contamination	<p>A Preliminary Environmental Site Assessment has been prepared to investigate any previous contaminating land uses. The assessment identifies that the subject land has previously been utilised for broadscale grazing activities since at least 1954.</p> <p>Site history indicates that the property has only been utilised for rural residential purposes post 1972. Samples from the future development footprint have been collected and analysed for heavy metals and organochlorine pesticides. The assessment found that concentrations of heavy metals and OCP pesticides were below investigation criteria in all samples and the site is suitable for its future intended use. Any further consideration of this issue that is required can also adequately be undertaken at the development application stage.</p>
Flooding	<p>A Flood Risk Assessment has been prepared to support the planning proposal. The report identifies that the lot is partially affected by the 100-year ARI event as well as the PMF (Figures 8 and 9). This flood prone land is contained within the existing C2 zone in the south of the site.</p> <p>Although any future development will be located above the PMF, should access be required during a flood, then it would be required along North Bonville Road to/from the east. The mapping shows the 100-year ARI event has an H5 hazard across North Bonville Road at two locations where the road crosses two tributary creeks (Figure 10). An H5 hazard is unsafe for vehicles and pedestrians. It is estimated the road could be cut in the for 2 hrs in events as frequent as the 5-year ARI and 12 hours in a 100-year ARI flood event.</p> <p>The assessment concludes that as any potential future dwelling will be located above the PMF, evacuation in the event of a flood should not be required and residents can safely shelter in place.</p>

It is considered that future land uses can be appropriately managed through Council's existing flood planning controls and the development application process, noting any future Development Application will be required to satisfy the provisions of Clause 5.21 Flood planning and 5.22 Special flood considerations of the Coffs Harbour LEP 2013. It is also noted that the proposal will not significantly increase risk or demand on emergency services as it is located within an existing rural residential area and has a maximum potential of one extra dwelling lot.

However, prior to exhibition and agency consultation, it is recommended that Council include additional detail in the planning proposal in relation to flooding, including a map that shows the inundation of the site and further details regarding evacuation along North Bonville Road (including the type of event that will affect the access as well as the duration). A condition is recommended on the Gateway determination in this regard.

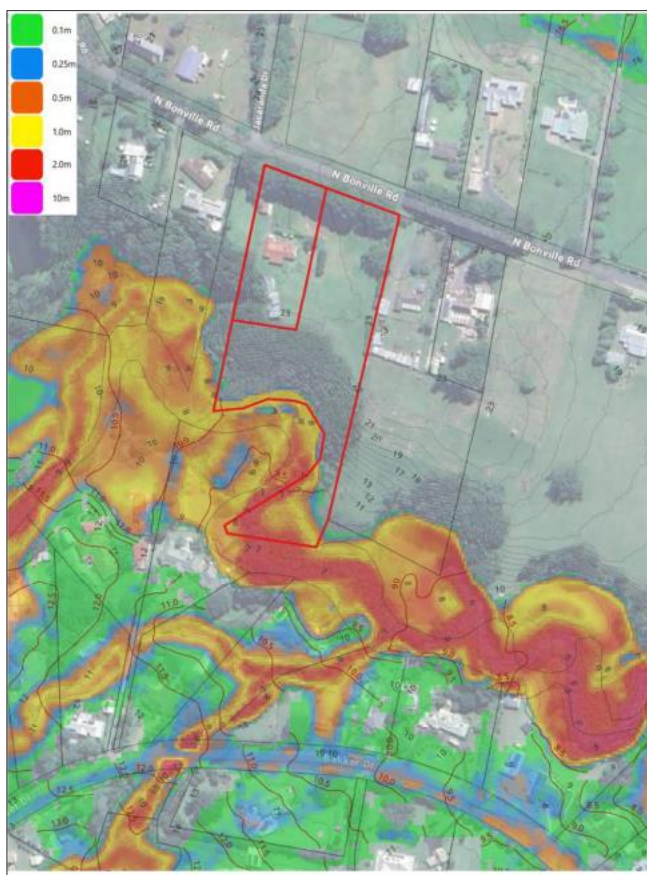


Figure 9: 100-yr ARI flood extent, depth and levels (source: Flood Risk Assessment)

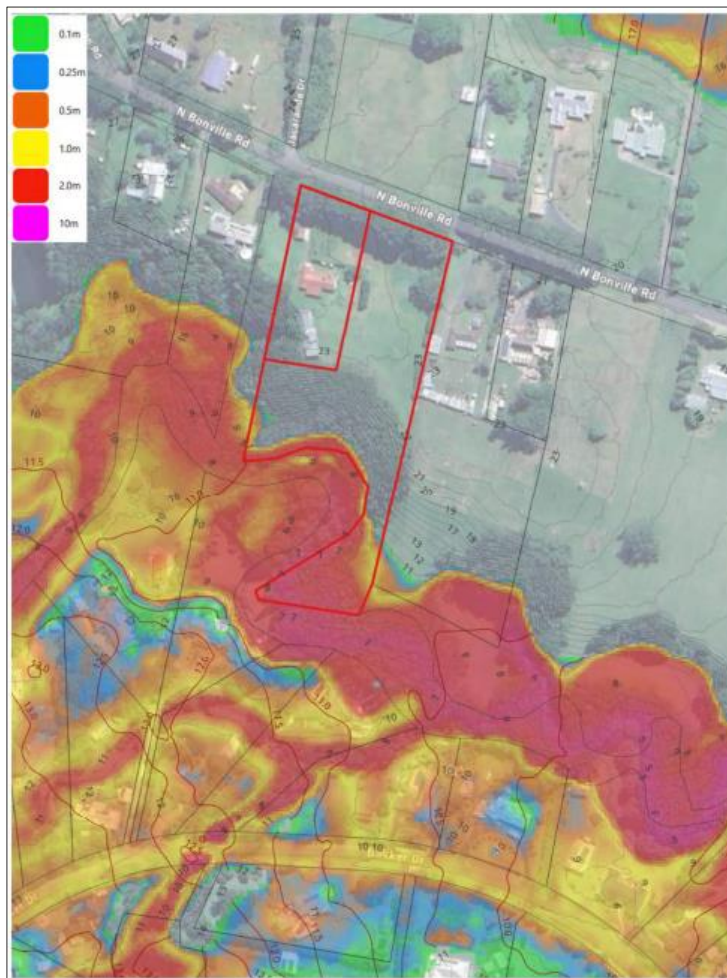


Figure 10: PMF flood extent, depth and level (source: Flood Risk Assessment)



Figure 11: Predicted 100-yr ARI flood severance of North Bonville Road (source: Flood Risk Assessment)

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 social effects of the planning proposal are likely to be positive as it will help facilitate new housing in Bonville and offer housing choice and diversity for existing and future residents.</p> <p>Broadly, regional NSW is experiencing high levels of housing stress and additional housing in planned locations is an appropriate approach to assisting with addressing the issue.</p>
Economic	<p>Economically, it is expected that the proposal will also have a positive, albeit limited impact by releasing more land for the construction of new dwellings in the Coffs Harbour LGA.</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
Local Infrastructure	<p>Reticulated sewer and water are not available to the subject site.</p> <p>As discussed above, it has been confirmed that the site can accommodate appropriate onsite waste systems. It is also anticipated that water storage tanks will be provided for future dwellings to provide a domestic potable water supply and satisfy fire-fighting requirements.</p> <p>Council has advised the lots have access to a public road, electricity and telecommunications.</p>
State Infrastructure	<p>The planning proposal has not identified any requirement for State infrastructure.</p>

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community Gateway consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

Council has nominated that the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Rural Fire Service
- Department of Climate Change, Energy, the Environmental and Water – Conservation Programs, Heritage and Regulation
- Department of Primary Industries and Regional Development – Fisheries

In addition to these government agencies, it is recommended that consultation also be undertaken with the Coffs Harbour and District Local Aboriginal Land Council.

6 Timeframe

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

A LEP completion date of 9 months is recommended in line with the Department's 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

As the proposal is consistent or justifiably inconsistent with the State, regional and local planning framework and deals only with matters of local significance, strategy, 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 proposal is consistent with Council's Department approved Coffs Harbour Local Growth Management Strategy 2020 (Chapter 6) and the North Coast Regional Plan 2041;
- the proposal demonstrates the land is capable of supporting a reduced lot size; and
- the proposal increases and protects areas of high environmental value.

9 Recommendation

It is recommended the delegate of the Secretary:

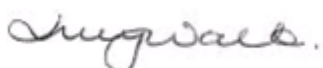
- Agree that the inconsistency with section 9.1 Directions 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport and 9.2 Rural Lands are minor and justified; and
- Note that the inconsistency with section 9.1 Directions 4.1 Flooding and 4.3 Planning for Bushfire Protection are unresolved and 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. Prior to agency and community consultation the planning proposal is to be updated to:
 - (i) identify in Part 2 that the proposal includes an amendment to the minimum lot size from 1 hectare to 40 hectares in those parts of the lot proposed to be rezoned C2 Environmental Conservation; and

- (ii) include additional detail in relation to flooding, including a map that shows the inundation of the site and further details regarding evacuation via North Bonville Road (including the type of event that will affect the access as well as the duration that the road is inaccessible).
2. Consultation is required with the following public authorities:
- NSW Rural Fire Service
 - Department of Climate Change, Energy, the Environmental and Water
 - Department of Primary Industries and Regional Development – Fisheries
 - Coffs Harbour and District Local Aboriginal Land Council
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 9 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised as the local plan making authority.



18/06/2025

(Signature)

(Date)

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



20/6/2025

(Signature)

(Date)

Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support

Assessment officer

Melissa Thomson
Planning Officer, Hunter and Northern Region
5778 1486