

DM/TS/CC
Ref: 6584_104_Post Gateway

27 February 2025

General Manager
Kempsey Shire Council
PO Box 3078
WEST KEMPSEY NSW 2440

ATTENTION: Peter Orr

Dear Peter,

RE: Planning Proposal PP-2024-829 to amend Kempsey Local Environmental Plan 2013, response to Gateway Determination Condition 1

The purpose of this letter is to inform Council that the Planning Proposal has been updated to address Condition 1 of the Gateway Determination as issued by DPHI on 20 August 2024. In this regard the following documents are attached:

- Planning Proposal, Version C dated 27 February 2025
- Appendix K – Preliminary Site Investigation by Hunter Geotechnical Services
- Appendix L – Acid Sulphate Soils Assessment by Hunter Geotechnical Services

It is to be noted that Appendices A to J remain the same as originally submitted, as the Gateway determination did not require any further updates to those documents.

Version C of the Planning Proposal addresses Condition 1 of the Gateway Determination as follows:

Condition	Comment
1. Prior to community and agency consultation: (a) the planning proposal is to be updated to:	
(i) confirm the number of dwellings resulting from the proposed amendment	The indicative subdivision plan (Appendix C to the Planning Proposal) contains 181 potential residential allotments, which will be subject to a further development application and survey. Some lots may be capable of supporting dual occupancies and secondary dwellings. Hence, 225 dwellings would be an appropriate figure to adopt for the Planning Proposal. Reference to these allotment numbers and potential dwelling numbers have been inserted where relevant in the revised Planning Proposal.
ii) amend the discussion under Objective 3 of the North Coast Regional Plan 2041 to identify the land is mapped as containing potential High Environmental Value;	Amendment has been made to Objective 3 of the North Coast Regional Plan 2041 in reference to High Environmental Land (HEV) on p.22. The discussion has been amended to more appropriately address the HEV assessment contained in the Ecological Report by Biodiversity Australia at Appendix B.
(iii) reference the site is mapped as potentially containing both Class 4	Amendment has been made to Direction 4.5 Acid Sulfate Soils on p.45.

urban design

civil engineering

architecture

town planning

landscape architecture

surveying

interior design

directors

Scott Marchant
B Surv (Hons)
Registered Surveyor

Nigel Swift
B Arch, BA Arch, AIA
Nominated Architect
NSW Architects Registration Board No 7025

Craig Campbell
B Eng (Civil), MBA, MIEAust, CPEng, NER
Chartered Civil Engineer

Scott Kahler
B SST Surv & B Nat Res (Hons)

Terrance Stafford
BSc, GDURP, GradCertBfireProt
Registered Town Planner

Kim Wall
B Des Interior
Interior Designer

Trent Walsh
B Des (Arch), M Arch (Hons)
Nominated Architect
NSW Architects Registration Board No 10388

consultants

Anthony Thorne
B Surv, MIS Aust
Grad Dip Planning
Registered Surveyor

David Tooby
B L Arch, AAILA
Urban Designer and Landscape Architect

King & Campbell Pty Ltd
1st Floor, Colonial Arcade
25-27 Hay Street
Port Macquarie, NSW, 2444

PO Box 243
Port Macquarie, NSW, 2444

ABN 44 564 476 716

T: 02 6586 2555

info@kingcampbell.com.au

www.kingcampbell.com.au

and 5 Acid Sulfate Soils;	
(iv) update the project timeline to reflect the date of the Gateway determination;	Amendments to the timeline have been made on p.69 to reflect the timeline stated by the Gateway Determination and taking into consideration the period of time that has passed to obtain the relevant investigations in condition 1(b) of the Gateway Determination.
(v) incorporate the outcomes and recommendations of the reports required by condition 1(b).	The outcomes and recommendations of the reports required by condition 1(b) have been addressed in Direction 4.4, p. 44 and Direction 4.5, p.45 to 49.
(b) prepare reports in relation to:	
(i) contamination; and	Provided at Appendix K – Preliminary Site Investigation by Hunter Geotechnical Services
(ii) acid sulfate soils.	Provided at Appendix L – Acid Sulfate Soils Assessment by Hunter Geotechnical Services

The reports by Hunter Geotechnical Services did not find any reasons for the Planning Proposal not to continue and the following conclusions are reproduced as follows:

Preliminary Site Investigation (Appendix K)
End of Executive Summary:

In summary, this assessment supports the proposed rezoning from R5 Large Lot Residential to R1 General Residential. Based on the desktop study and limited intrusive sampling conducted on the Site, no indication of gross contamination has been identified which would restrict the Site of redevelopment under the proposed residential land use. HGS does not consider further investigation necessary in context of the proposed development.

Acid Sulfate Soils Assessment (Appendix L)
End of Executive Summary:

The geotechnical assessment supports the proposed rezoning from R5 Large Lot Residential to R1 General Residential, provided the recommendations in this report are followed. The presence of acid sulfate soils within the Site is manageable with appropriate treatment and mitigation measures.

Further, minor amendments have been made to the Executive Summary to the Planning Proposal to recognise the process is now at Stage 4 – Post Gateway, and once submitted can be actioned by Council in accordance with Stage 5 – Public Exhibition and Assessment.

Council is therefore requested to arrange public exhibition of the Planning Proposal as well as consult with the authorities identified in condition 3 of the Gateway Determination, if such consultation has not already commenced.

We look forward to working with Council to finalise the Planning Proposal by August 2025.

Yours sincerely
King & Campbell Pty Ltd

A handwritten signature in blue ink, appearing to read 'D Matthews', with a stylized flourish at the end.

David Matthews
Senior Town Planner, MPIA

CC. Sam and Margaret Walls