



IRF 25/2007

# Gateway determination report – PP-2023-2282

Coldstream Road, Tyndale

September 25



Published by NSW Department of Planning, Housing and Environment

[dpie.nsw.gov.au](https://dpie.nsw.gov.au)

Title: Gateway determination report – PP-2025-55

Subtitle: Coldstream Road, Tyndale

---

© State of New South Wales through Department of Planning, Housing and Environment 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (January 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# 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.

## Contents

<b>1</b>	<b>Planning proposal.....</b>	<b>1</b>
1.1	Overview .....	1
1.2	Objectives of planning proposal .....	1
1.3	Explanation of provisions .....	1
1.4	Site description and surrounding area .....	2
1.5	Mapping.....	6
1.6	Background .....	6
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>6</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>7</b>
3.1	Regional Plan .....	7
3.2	Local.....	9
3.3	Section 9.1 Ministerial Directions .....	10
3.4	State environmental planning policies (SEPPs) .....	13
<b>4</b>	<b>Site-specific assessment .....</b>	<b>13</b>
4.1	Environmental.....	13
4.2	Social and economic.....	19
4.3	Infrastructure .....	19
<b>5</b>	<b>Consultation.....</b>	<b>20</b>
5.1	Community .....	20
5.2	Agencies.....	20
<b>6</b>	<b>Timeframe.....</b>	<b>20</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>20</b>
<b>8</b>	<b>Assessment summary .....</b>	<b>20</b>
<b>9</b>	<b>Recommendation.....</b>	<b>21</b>

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning proposal V4 (with Annexures – A - J) Rob Donges Planning Consultant – January 2025
Flood Management and Impact Assessment & Flood Evacuation Plan – 19 May 2025 – Ben Olsen Civil and Structural Engineering
Preliminary Effluent Report – Envirocycle – 12 September 2023

# 1 Planning proposal

## 1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	Clarence Valley Council
NAME	Rezone Lot 8 DP 715173 and Lot 42 DP 1095984, Coldstream Road, Tyndale from RU2 to E4 and amend the minimum lot size (MLS)
NUMBER	PP-2025-55
LEP TO BE AMENDED	Clarence Valley LEP 2011
ADDRESS	Coldstream Road, Tyndale
DESCRIPTION	Lot 8 DP 715173 and Lot 42 DP 1095984
RECEIVED	29/08/2025
FILE NO.	IRF25/2007
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 rezone the subject land from RU2 Rural Landscape to E4 General Industrial and amend the MLS from 40ha to 5000m<sup>2</sup> to enable future industrial use and subdivision (approx. 5 lots).

It should be noted that Part 1 – Preliminary of the planning proposal contains incorrect property details for Lot 8 DP 715173 and it is recommended that this be corrected prior to exhibition of the plan.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Clarence Valley LEP 2011 to rezone the subject land per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU2 Rural Landscape	E4 General Industrial
Minimum lot size	40ha	5000m <sup>2</sup>

It is noted that the adjoining E4 Zone land has an LEP building height standard of 11m. The site currently has a nil LEP building height standard. Council has confirmed that not applying a building height to the proposed rezoning area is intentional and consistent with the Clarence Valley Employment Lands Strategy which

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 land is located at the Tyndale end of Coldstream Road, approximately 150m from its intersection with Big River Way (formerly the Pacific Highway) and has an area of approximately 3.76ha (Figure 1).

The current use of Lot 8 is for the purpose of a sawmill which is permitted with consent in the RU2 zone under Clarence Valley LEP 2011 (Figure 2). Lot 8 contains a number of scattered trees, including non-native pines along property boundaries.

Lot 42 is 2ha in area and contains a small shed. It is partially cleared with scattered trees, largely non-native pines.

The surrounding land uses comprise the following:

- to the north, Lot 71 DP 883481 is zoned RU2 and contains two industrial buildings used by Clarence Harvesting Co-op for rural industry activities;
- to the east, Lot 41 DP 1095984 is zoned E4 and is currently contains several industrial buildings used by Universal Cranes. This lot is contiguous to Tyndale Village;
- to the west, Lot 3 DP 861659 (across Coldstream Road) is zoned RU1 Primary Production contains two sheds and a dwelling and is used for low level cattle grazing; and
- to the south, Lot 45 DP 715173 is zoned RU2 and contains a dwelling.

The land is mapped as bushfire prone (Figure 3), part flood prone land (Figure 4) and contains acid sulfate soils (Figure 5). A small amount of land in the north-western corner of Lot 8 is mapped as containing potential High Environmental Value (HEV) (Figure 6).



Figure 1 – Subject site showing aerial image and location (Source: e-Planning Spatial Viewer)

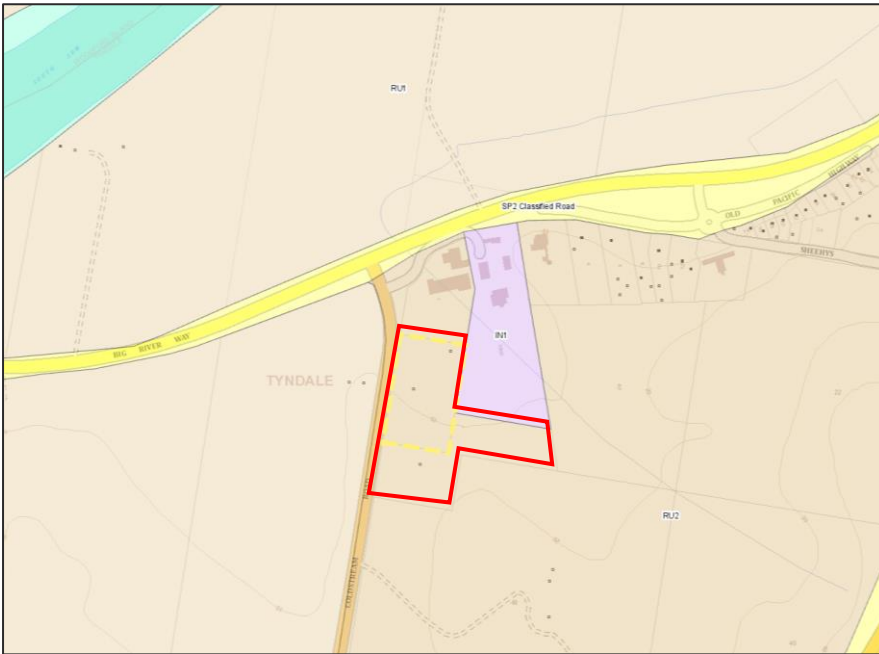


Figure 2 - Zoning of the subject land, Clarence Valley LEP 2011 (RU2 Rural Landscape) (Source: ePlanning Spatial Viewer)

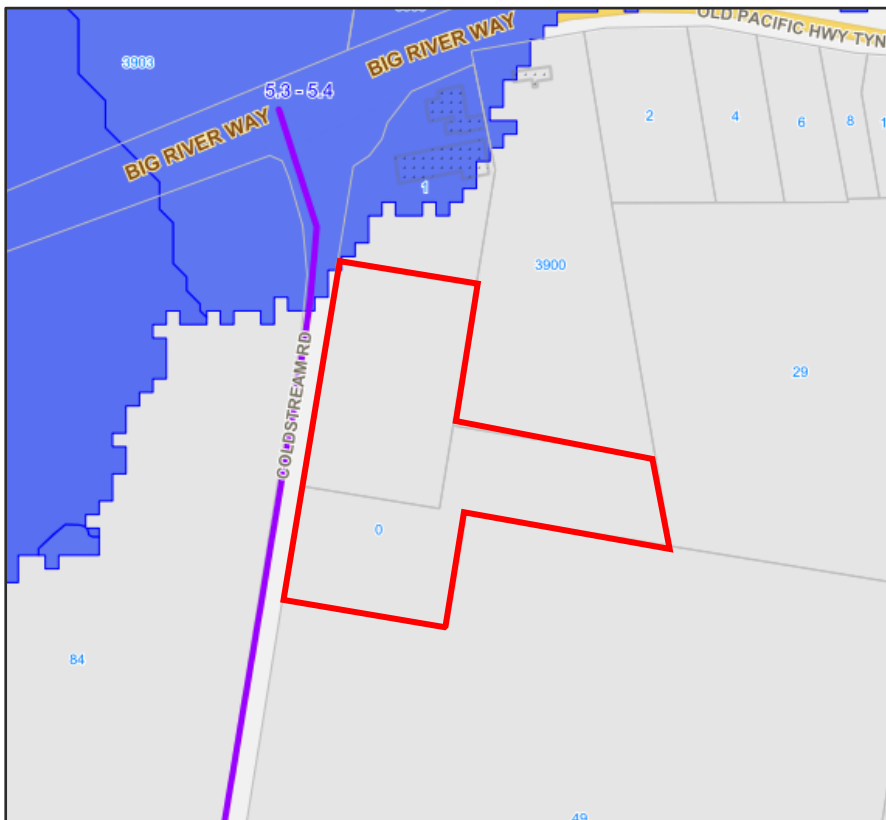


Figure 3 - Flood map 1 in 100 year + CC (2090) (Source: Clarence Valley council flood mapping)



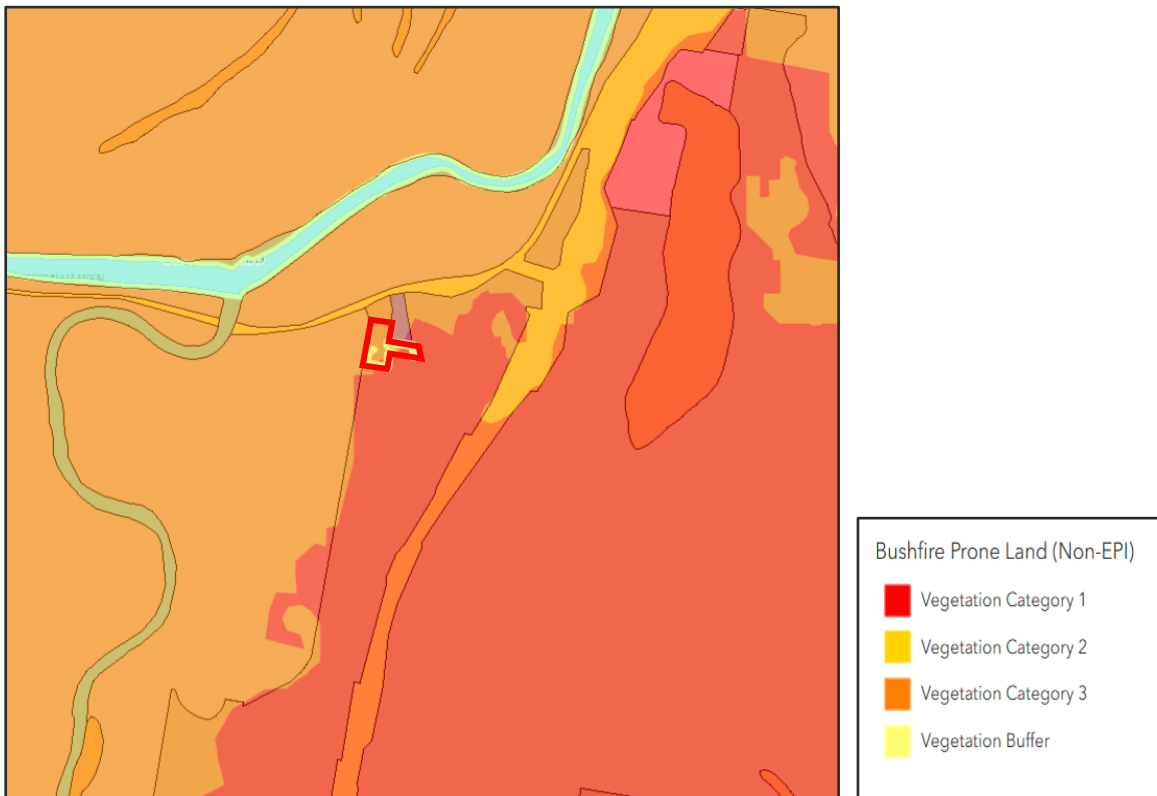


Figure 4 - Subject site showing bushfire prone land (source: e-Planning Spatial Viewer)

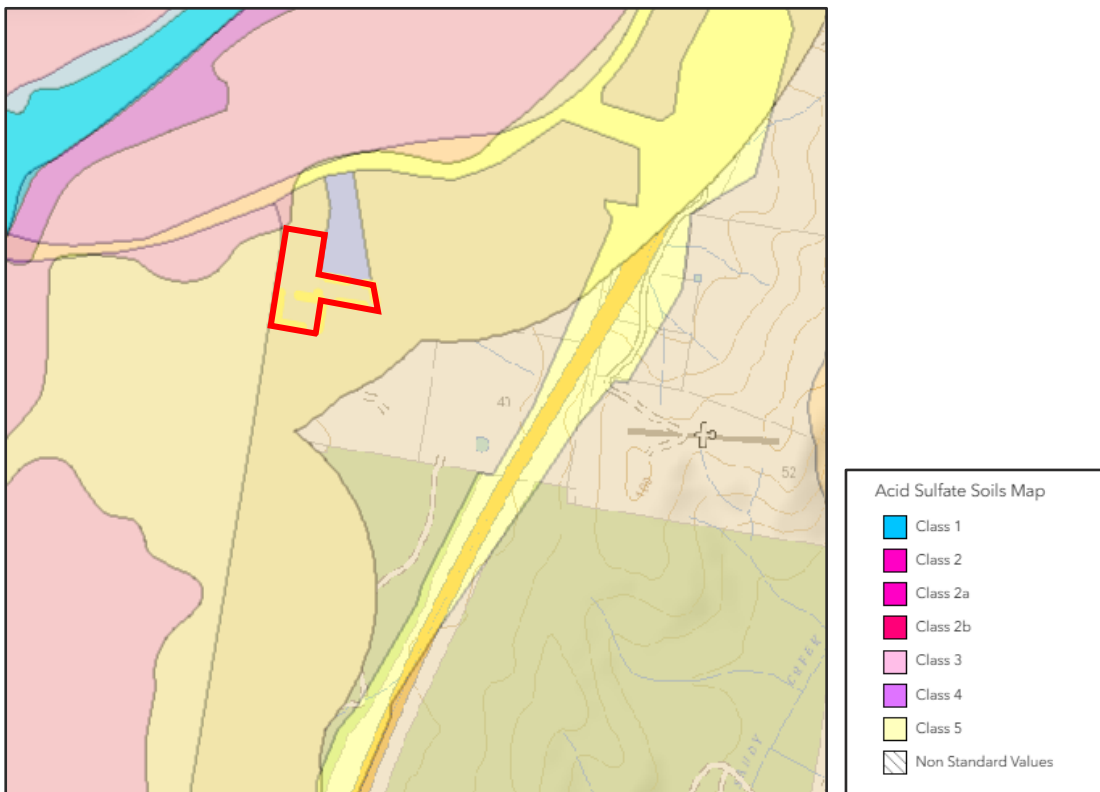


Figure 5 - Subject land showing acid sulfate soils (source: e-Planning Spatial Viewer)

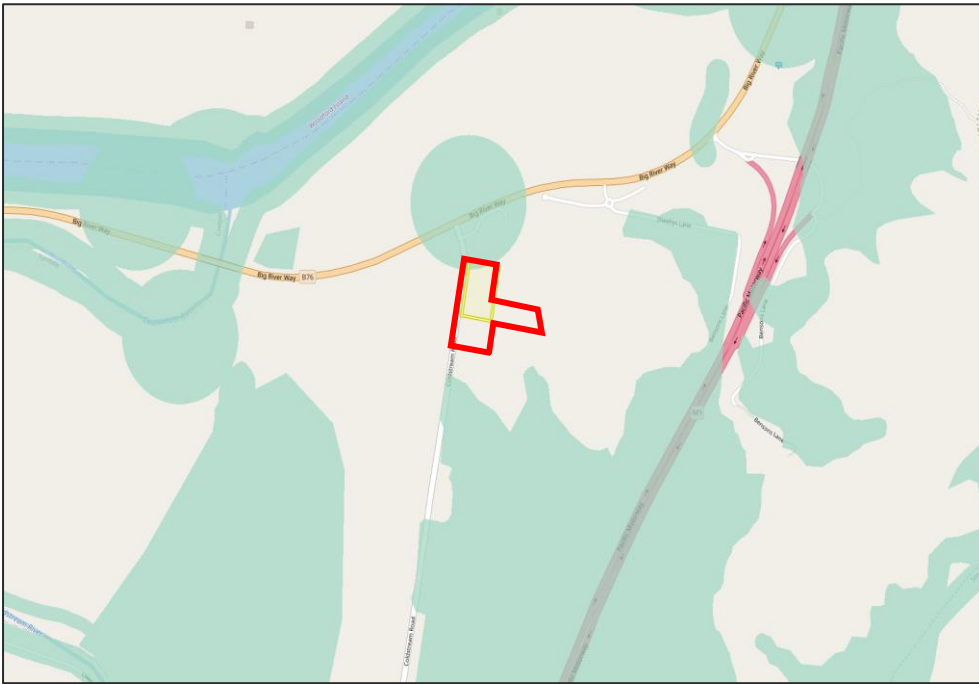


Figure 6 - High environmental value land (Source: Northern Region Viewer)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed change to the land zoning (LZN) map however no maps have been included to show proposed changes to the minimum lot size (MLS) map.

It is recommended that the planning proposal be updated prior to exhibition to include both existing and proposed LZN and MLS maps. This will form a condition of the Gateway determination.

## 1.6 Background

A planning proposal to rezone Lot 8 DP 715173 was first submitted to the Department for a Gateway determination in October 2023. An initial review by the Department determined the proposal did not contain sufficient information with respect to flooding to progress to the Gateway determination stage and it was returned to Council.

The planning proposal has now been relodged and is accompanied by a Flood Management and Impact Assessment and Flood Evacuation Plan. It also incorporates an additional allotment, being Lot 42 DP 1095984, Coldstream Road, Tyndale.

Due to the change in scope, it is noted that some of the supporting reports only consider the original Lot 8 DP 715173. It is, therefore, recommended that the Gateway determination be conditioned to require documents be updated prior to community and agency consultation to assess both parcels of land.

## 2 Need for the planning proposal

The planning proposal is not the result of any specific study or strategy, but rather a landowner-initiated request which was supported by Council to enable the site to be used for industrial land uses when the existing sawmill on the land ceases operation.

The alternative would be to add the property to Clarence Valley LEP 2011 Schedule 1 Additional permitted uses. However, given the adjoining property (Lot 41 DP 1095984) is already zoned E4,

Council considers it more appropriate to create a contiguous industrially zoned precinct which provides for a range of industrial land uses within proximity to the Pacific Motorway.

The planning proposal is considered the most appropriate means of rezoning the land and amending the MLS.

## 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 3 Regional Plan assessment**

Regional Plan Objectives	Justification
<b>Objective 3</b> <b>Protect regional biodiversity and areas of high environmental value</b>	The planning proposal is inconsistent with this objective as the land has a small area in the north-west corner that is mapped as containing potential HEV land and the proposal is not supported by a biodiversity assessment. Whilst this mapped area makes up only a small part of the site, it is recommended that the Gateway determination be conditioned to require consultation with the Department of Climate Change, Energy, the Environment and Water (DCCEEW). As such consistency with this objective is unresolved at this stage.
<b>Objective 8</b> <b>Support the productivity of agricultural land</b>	<p>The subject site is not mapped as Important Farmland and it is considered that the agricultural capability and sustainability of the land is compromised by its small size and current land use.</p> <p>The planning proposal indicates that Lot 8 has been used for a sawmill since the early 1970's. Current aerial imagery for Lot 42 (Figure 1) shows this lot mostly cleared of vegetation but containing a small farm shed. The landowner of the sawmill has recently acquired this land.</p> <p>The proposal is considered to be consistent with this objective as it is unlikely the proposal will result in the loss of productive agricultural land. Notwithstanding, it is recommended that consultation occur with the Department of Primary Industries and Regional Development (DPIRD) - Agriculture and a condition forms part of the Gateway determination.</p>
<b>Objective 11</b> <b>Support cities and centres and coordinate the supply of well-located employment land</b>	<p>This objective emphasises the importance of growing economic activity and ensuring an adequate supply of employment land is available. The proposal is considered to be consistent with this objective as the land is located adjoining E4 zoned land on Big River Way. The effect of rezoning will create an industrial precinct that has access to the Pacific Highway and will assist in diversifying and strengthening the economic base of the Clarence Valley local government area.</p> <p>Consistency with Clarence Valley Council's Employment Land Strategy is discussed in Section 3.2 of this report.</p>
<b>Urban Growth Area Boundary (UGA) – Variation principles</b>	The NCRP 2041 requires that any planning proposal that seeks to rezone land outside the UGA boundary must satisfy the UGA variation Principles in Appendix B. The subject land is located outside the UGA boundary of the NCRP 2041 (Figure 7).

An assessment against the Urban Growth Area Variation Principles of the NCRP 2041 has been included to support the variation. This is discussed in more detail below.

- **Policy** – The proposal is considered to be generally consistent with the objectives of the NCRP 2041 as issues associated with some site-specific constraints such as bushfire, flooding, acid sulfate soils, potential HEV land and Aboriginal cultural heritage can be adequately managed at the DA stage.

With regard to flooding, the planning proposal is supported by a Flood Management and Risk Assessment as well as a Flood Evacuation Plan. This assessment concludes that the site is suitable for its intended use. Notwithstanding, consultation is required to be undertaken with DCCEEW with regard to both flooding and potential HEV land to confirm the suitability of the proposal.

Other outstanding regional plan issues are regarded as either justifiably inconsistent or able to be addressed through consultation with the relevant agencies post Gateway.

- **Infrastructure** – The property is connected to power and water and any upgrades will be the responsibility of developers. Onsite wastewater system(s) will need to be provided to meet Council's water quality standards. Access to Big River Way and the Pacific Motorway is also available. It is recommended that consultation be undertaken with Transport for NSW (TfNSW) as a condition of the Gateway determination.

It is not expected that the proposal will result in a cost to government.

- **Environmental and heritage** – The proposal indicates that the land does not contain areas of high environmental value despite being mapped as containing potential HEV. Whilst the area of mapped potential HEV is relatively small, it is recommended that consultation with DCCEEW be undertaken. The land is not mapped as having water quality sensitivity or riparian land and whilst the AHIMS for Lot 8 has found no items or places of Aboriginal heritage, Lot 42 DP has not been included in the assessment.

It is considered that consistency with this principle can be resolved once further site-specific assessment and/or relevant agency consultation has been undertaken post Gateway.

- **Avoiding Risk** – Similar to that detailed above, it is considered that site-specific issues of flooding, bushfire risk, potential HEV land and acid sulfate soils can be addressed through consultation with the relevant agency post Gateway.
- **Coastal Strip** – The subject land is located outside the coastal strip, being west of the Pacific Highway.
- **Land Use Conflict** – The supporting LUCRA has indicated that there is low level agricultural use to the west; higher level agricultural to the north of Big River Way; industrial uses immediately to the north and east; and vegetated land to the south of the subject land. There is also mapped Important Farmland located to the west of the subject land on the opposite side of Coldstream Road.

In summary, the LUCRA indicates that the long-standing co-existence between the sawmill and surrounding properties/uses suggests that the future use of the combined site will have no discernible impacts, particularly

as future uses will require the submission of a development application (DA) under which Council will assess potential impact.

- Important farmland – The subject land is not mapped as containing Important farmland

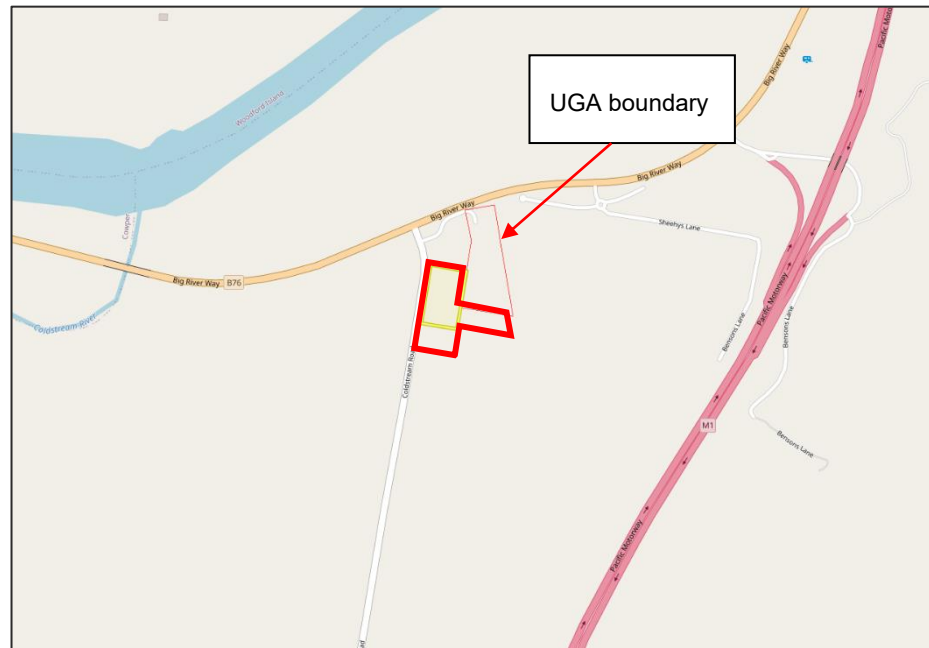


Figure 7 - Urban Growth Area boundary, NCRP 2041 (Source: Northern Region Viewer)

## 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
Clarence Valley Local Strategic Planning Statement (LSPS)	<p>The planning proposal is considered to be consistent with Council's LSPS, in particular the following planning priorities:</p> <p>Priority 8 – 'enable the development of industrial and employment land and the movement of freight and goods'. A strategic strength of the property is its close location to the southbound (700m) and north bound (2km) ramps to the Pacific Motorway thereby enabling the efficient transport of goods both interstate and intrastate.</p> <p>Priority 11 – 'strengthen the local economy and provide opportunities for quality local employment'. The proposal has the potential to enable subdivision of the land into 5 lots and therefore the potential to assist in creating an industrial precinct along Coldstream Road that will provide a variety of industrial uses and opportunities for local employment as well as diversification in industry.</p>
Clarence Valley Employment Land Strategy (CVES)	<p>The CVES was adopted by Council in June 2022 and conditionally approved by the Department in May 2023. Of relevance to this proposal, in its approval letter, the Department noted that <i>'the strategy confirms that sufficient employment land is generally already available to meet future needs and Council's aspirational</i></p>

*approach regarding future population and employment growth. Due to this situation, it will be important that Council provides detailed justification at the time regarding need and demand to support future planning proposals to rezone significant additional employment land’.*

In terms of justification, the planning proposal notes that the proximity of employment precincts to key transport routes has emerged as a key priority for industrial occupiers. Transport costs typically comprising a large share of an industrial business’ operational cost base, compared to its rental cost. An industrial business makes costs savings by locating themselves nearer to key infrastructure.

Any new industrial land, therefore, should be planned in locations that have strong access to motorway connections and, if possible, rail freight connections. These connections should have multidirectional access intersections. In this regard, the subject land is approximately 700m and 2km from Motorway off/on ramps and 150m from Big River Way (the former Pacific Highway) enabling easy access to both the wider region including south-east Queensland as well as Grafton and the lower valley.

The CVES also highlights the need for more industrial zoned land with larger lot sizes. Considering much of the E4 zoned land currently available has an average lot size of 1000m<sup>2</sup>, the proposal to create 5 lots of approximately 5000m<sup>2</sup> in area meets this need.

The planning proposal is considered to be consistent with the CVES and the Department’s conditional approval for the following reasons:

- the site does not constitute a ‘significant’ area of land being only 3.76ha in area;
- the proposal will not result in the loss of agricultural land given its small area and current land use;
- the site is currently used for industrial purposes and when rezoned, will adjoin an existing industrial zoned parcel of land effectively creating an industrial precinct that will create jobs and strengthen the local economy; and
- the location of the site will enable it to leverage off established transport routes enabling access both interstate and intrastate.

### 3.3 Section 9.1 Ministerial Directions

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

**Table 5 Section 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Unresolved	As discussed in section 3.1 of this report, the planning proposal is potentially inconsistent with a number of the objectives of the North Coast Regional Plan 2041. This direction will remain unresolved until those matters have been satisfactorily addressed.
3.1 Conservation Zones	Unresolved	The planning proposal is inconsistent with this Direction as it contains mapped potential HEV

		<p>land under the NCRP 2041 and is not supported by a biodiversity assessment.</p> <p>It is considered that consistency with this Direction remain unresolved until consultation has been undertaken with DCCEEW.</p>
3.2 Heritage Conservation	Unresolved	<p>The planning proposal is potentially inconsistent with this direction as an AHIMS report confirming that no Aboriginal items or places are present has only been undertaken for Lot 8, with no assessment completed for the adjoining Lot 42.</p> <p>Whilst both lots appear to be highly modified and it is not expected that the proposal will cause impact to Aboriginal cultural heritage, it is recommended that this direction remain unresolved until an AHIMS search has been undertaken of Lot 42 and consultation with Yaegl Local Aboriginal Land Council.</p>
4.1 Flooding	Unresolved	<p>The planning proposal is inconsistent with this Direction as the it applies to land mapped as flood prone and is unable to satisfy all the requirements of the Direction.</p> <p>The flood planning map accompanying the Clarence LEP 2011 demonstrates that a small area of the subject site and some access roads are flood affected in a 100 year event with approximately 70% of Lot 8 DP715173 being inundated in a Probable Maximum Flood Event (PMF) event.</p> <p>The planning proposal is supported by a Flood Management and Risk Assessment and Flood Evacuation Plan which indicates that flood impact and hazard is negligible for a 1 in 100 year event and that evacuation is possible. This is discussed in more detail in section 4.1.</p> <p>Whilst it is important to note that the potential future use of the subject site will be for industrial purposes, it is considered appropriate that this Direction remain unresolved until consultation has been undertaken with DCCEEW and the NSW State Emergency Service (SES).</p>
4.3 Planning for Bushfire Protection	Unresolved	<p>This Direction applies as the land mapped is bushfire prone. The Direction provides that the relevant planning authority must consult with the commissioner of the NSW RFS after a Gateway determination is issued. Until this consultation has occurred, the consistency of the proposal remains unresolved.</p>



4.4 Remediation of Contaminated Land	Unresolved	<p>This proposal is potentially inconsistent with this Direction as development for a purpose referred to in Table 1 of the contaminated land planning guidelines is being, or is known to have been, carried out on the site.</p> <p>The planning proposal is supported by a Stage 1 Contaminated Land Assessment however this assessment only applies to Lot 8. The issue of potential contaminated land is discussed in more detail in section 4.1 of this report</p> <p>Until such time as a Stage 1 Contaminated Land Assessment has been undertaken for Lot 42, it is recommended that consistency with this direction remain unresolved.</p>
4.5 Acid Sulfate Soils	Justifiably inconsistent	<p>The proposal is inconsistent with this Direction as the land contains Class 5 acid sulfate soils and is not supported by an acid sulfate soils study.</p> <p>This inconsistency is considered to be of minor significance given the existing and proposed nature of the subject site. It is also considered that under the relevant provisions of Clarence Valley LEP 2011, Council is able to further consider this issue appropriately at the development application stage of any future development.</p>
5.1 Integrating Land Use and Transport	Justifiably inconsistent	<p>The proposal is potentially inconsistent with this Direction as it does not demonstrate compliance policies cited in the Direction. The potential inconsistency is considered to be of minor significance noting the small area of land involved, it is an extension of an existing E4 zone area and noting its connectivity to the Motorway and Big River Way for freight movements and separation from residential uses.</p> <p>Notwithstanding, it is recommended that consultation is undertaken with Transport for NSW and a condition has imposed on the Gateway determination.</p>
7.1 Industry and Employment	Justifiably inconsistent	<p>The proposal is inconsistent with this Direction as the land is not identified in a Department approved local strategy for employment uses.</p> <p>This inconsistency is considered to be of minor significance given the small area being rezoned, the existing industrial use of the site and the existing adjoining E4 Zone.</p>
9.1 Rural Zones	Justifiably inconsistent	<p>This proposal is inconsistent with this Direction as it will rezone rural land to employment land.</p>



		<p>The inconsistency is considered to be of minor significance given the site's existing rural industrial landuse, small land area, lack of agricultural viability and its proximity to an existing industrial zoned parcel of land along Big River Way. The proposal is also supported by a LUCRA which concludes that largely due to the current use of the property and its small size, the future use of the land will not impact on or be impacted by surrounding land uses. This is discussed further in section 4.1</p> <p>Consultation with Department of Primary Industries and Regional Development (DPIRD) – Agriculture is however recommended.</p>
9.2 Rural Land	Justifiably inconsistent	<p>The proposal is inconsistent with this Direction as it will affect land within an existing or proposed rural zone and is unable to comply with all the Direction requirements such as supporting farmers in exercising their right to farm.</p> <p>Any inconsistency with this Direction is considered to be of minor significance given the site's existing rural industrial landuse, small land area, lack of agricultural sustainability and its proximity to an existing industrial zoned parcel of land along Big River Way. The proposal is also supported by a LUCRA which concludes that, largely due to the current use of the property and its small size, the future use of the land will not impact on or be impacted on surrounding land uses.</p> <p>Consultation with DPIRD – Agriculture is however recommended.</p>

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be 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
Biodiversity/HEV land	A small part of the subject site is mapped under the NCRP 2041 as containing potential high environmental value land (Figure 6). The planning proposal has not discussed the presence of this land, nor is it supported by a Biodiversity Assessment.

	<p>While no adverse impact is anticipated due to the generally cleared nature of the site, presence of mainly non-native trees species and current existing use, it is recommended that the proposal be referred to DCCEEW to confirm the suitability of the proposal.</p>
On-site sewage management system	<p>The planning proposal is supported by a Preliminary Effluent Report (Envirocycle, September 2023). This report however only relates to and assesses the capability of Lot 8.</p> <p>The Preliminary Effluent Report states that the existing disposal system is fully functional and suitable for the existing on-site sawmill. Any future development applications for industrial development will however require a detailed effluent report based on the installation of Advanced Secondary Treatment Wastewater System(s).</p> <p>Whilst it is considered that this issue can be appropriately dealt with at the DA stage, it is recommended that prior to exhibition, the planning proposal be amended to contain an updated Preliminary Effluent Report that also considers Lot 42.</p>
AHIMS search	<p>A search of the Heritage NSW Heritage Information Management System for Lot 8 (with a buffer of 50m) has indicated that no Aboriginal sites or places are recorded at this subject location. As indicated previously, a search for the adjoining Lot 42 will also need to be undertaken prior to exhibition of the proposal.</p> <p>Consultation is also recommended with the Yaegl Local Aboriginal Land Council.</p>
Contamination	<p>The planning proposal is supported by a Stage 1 Contamination Assessment (desktop analysis) for Lot 8 only as discussed previously. The assessment provides a preliminary assessment of the potential for soil contamination and evaluates the site's suitability for industrial development from a contamination perspective.</p> <p>Prior to the early 1970's, Lot 8 appears to have been used for agricultural or grazing purposes. Since the early 1970's however, the site has been used for a sawmill.</p> <p>The assessment concludes that the site is suitable or can likely be made suitable for industrial use subject to:</p> <ul style="list-style-type: none"> <li>• soil sampling and analysis be undertaken;</li> <li>• ground water investigations be carried out if gross petroleum hydrocarbons to soils are discovered;</li> <li>• a Hazardous Material Survey to be undertaken prior to the demolition of existing buildings;</li> <li>• should unidentified fill be encountered, an assessment for a Resource Recovery Exemption will be required;</li> <li>• any existing stock piles to be removed to be assessed for compliance with the Excavated Natural Material Order 2014; and</li> <li>• these actions are recommended to be undertaken prior to the development of the site and would accompany a future development application.</li> </ul> <p>Whilst it is considered that the issue of contamination can be appropriately addressed at the DA stage through the relevant provisions of SEPP (Resilience and Hazards) 2021, it is recommended that prior to exhibition, the planning proposal be amended to include a Stage 1 Contamination Assessment that also assesses the potential contamination of Lot 42.</p>
Flooding	<p>The land is located within the Lower Clarence Floodplain. The following flood levels apply to the property:</p> <ul style="list-style-type: none"> <li>• 1% AEP: 5.4m AHD</li> </ul>

- 1% AEP + Climate Change: 6.1m AHD
- PMF: 12.3m AHD

When initially submitted in 2023, the planning proposal for Lot 8 contained inadequate information relating to flood impact. The planning proposal is now supported by a Flood Management and Impact Assessment and a Flood Evacuation Plan. These documents apply to both lots.

The Flood Management and Impact Assessment indicates that:

- A portion of the north west corner of the site, representing < 1% of the land is affected by the 1% AEP flood event + climate change event (Figure 3). This event has a hazard level of H3.
- Big River Way, the nearest main road to the land and evacuation route has a flood hazard level of H4 in the 1% AEP event + climate change. Evacuation can be made overland to flood free land at Tyndale.
- The impact on overall flood storage capacity and surrounding flood levels of any existing and future works is negligible for the 1% AEP event + climate change.
- The land is located above the flood planning level of 6.4m, except for a small area in the north western corner of the site.
- Approximately 70% of the land is affected by a PMF event (Figure 8) and the hazard ranges from H1 to H6 (Figure 9). Hazard free evacuation overland to Tyndale is available in the PMF event and the Flood Evacuation Plan would be followed.
- Any potential filling or building works on the site will not affect any flood storage of the Clarence River floodplain.
- The site is not a floodway.
- The subject site is located at the lower end of the Clarence Valley Catchment and the warning time for any occupants would be several hours.

It is noted that the table on page 2 of the Flood Management and Impact Assessment does not align with the text on page 4 and map on page 5 with respect to the area of land affected by the PMF event. The table incorrectly identifies that > 95% of the land is inundated during the PMF event. It is recommended that this is corrected and forms a condition of the Gateway determination.

The Flood Evacuation Plan indicates that Tyndale is in the Maclean Sector in the Clarence Valley Flood Emergency Sub Plan CV Sub Plan. The CV Sub Plan Volume 2 Hazard and Risk in Clarence Valley states:

*“The majority of land at Tyndale is above the PMF but can be isolated. Except in very serious floods isolation tends to be short-term of up to five days and most people in the area are self-sufficient for this period of isolation.”*

If evacuation was required from the site during a flood, it would be along Big River Way. The evacuation centre for the Maclean Sector is the Maclean Showground buildings in Cameron Street, Maclean. The alternative evacuation destination includes various areas above the PMF level in Grafton and South Grafton with the nominated assembly area being the South Grafton High School Auditorium. Both sites have restrictions for evacuations based on flood heights at the respective gauge.

The evacuation centres in the event of extreme flood predictions are The Plantation Motel at Sheehys Lane, Tyndale and the Maclean Showground. The Plantation Motel

is located approximately 600m from the property by road and is accessible overland by foot (Figure 10).

Planning Circular PS 24-001 Update on addressing flood risk in planning decisions nominates that planning decisions should be based on a balanced consideration of the merits, risks and impacts of a given proposal, and that appropriate measures are in place to limit impacts to an acceptable level and achieve a tolerable flood risk level for flood-affected proposals.

Taking into account these matters, evacuation measures are satisfactory with several hours warning time to leave the land via Big River Way and the level of risk is acceptable given the probable future land use of the site for industrial land uses. Consultation is recommended with DCCEEW and the NSW SES to confirm and this forms a condition of the Gateway determination.

Remaining impacts can be resolved at the development application stage and the provisions of Clause 5.21 Flood planning and 5.22 Special flood considerations of the Clarence LEP 2011 will be considerations.



Figure 8 - Subject site showing PMF event inundation (source: Floodplain Management and Impact Assessment report 2025)

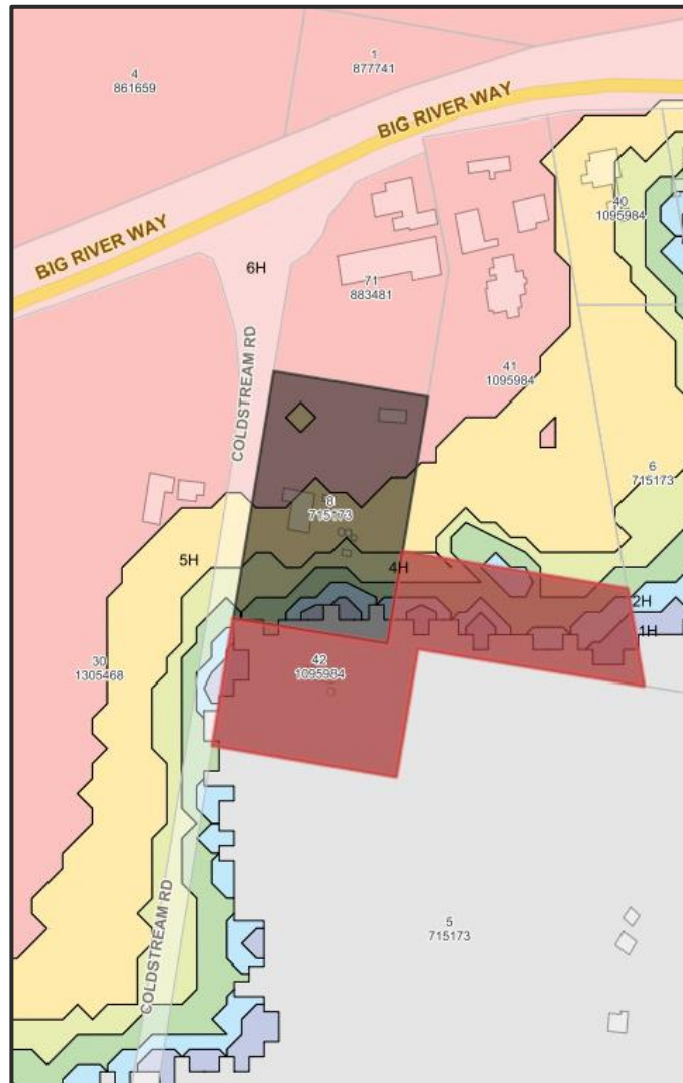


Figure 9 - PMF Hazard levels (Source: Flood Management and Impact Assessment)



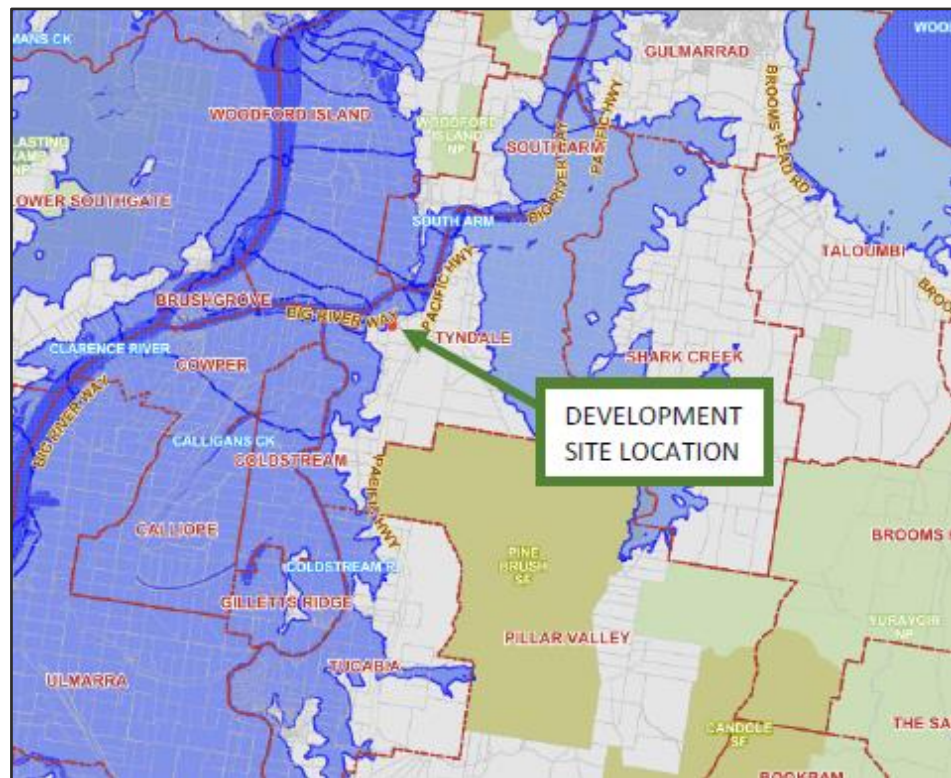


Figure 10 - Wider flood affected land from the 2022 Lower Clarence Flood Study – 1% AEP + CC (Source: Floodplain and Risk Management report 2025)

#### Land use conflict

The subject site has an area of 3.76ha and contains a sawmill operated by North East Hardwoods on its northern section and unused vegetated land with a shed on its southern and eastern sections. Surrounding land uses include industrial to the adjoining north with agricultural land uses (including dwellings) such as a macadamia plantation and cane cultivation also further to the north and separated by the Big River Way. Mapped Important Farmland is located to the north and west of the subject site.

The planning proposal is supported by a LUCRA which has noted the following:

- the existing sawmill already generates noise (sawmill, plant, truck movement) which does not appear to impact on surrounding properties /uses and the owners advise that they have never received complaints or have been made aware that complaints have been made (e.g. from Council);
- the existing industrial uses to the north and east and any future industrial uses on the property are highly unlikely to impact on each other; and
- the agricultural uses in the locality are generally passive and wouldn't generate nuisance, except potentially while cane fields are harvested.

The LUCRA concludes that:

- controls are not considered necessary due to the separation distances between uses, the presence of Big River Way which generates traffic noise, and the operation of the existing sawmill; and
- the long-standing co-existence between the sawmill and surrounding properties/uses suggests that the future use of the combined site will have no discernible impacts, particularly as future uses will require the submission of DA(s) under which Council will assess potential impact.

Despite the above conclusion, it is considered appropriate that the planning proposal be referred to DPIRD – Agriculture to confirm the suitability of the proposal

## 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
Socio-economic	<p>It is expected that future industrial use of the site may generate additional noise and traffic. These impacts will need to be assessed at the DA stage relative to the individual proposal and having regard to the current impacts from the sawmill. It is expected that such issues can be appropriately managed at this time</p> <p>The overall objective of the planning proposal is to ensure that the property will continue to be a contributor to the local economy should the sawmill become unviable in the future. Future development of the site and the possibility of 5 new industrial businesses has the potential to have a positive economic impact through job growth and industry diversification.</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
Water and Sewer	<p>The planning proposal is supported by a Preliminary Effluent Report however it only relates to and assesses the capability of Lot 8.</p> <p>The report states that the existing disposal system is fully functional and suitable for the existing on-site sawmill. Any future development applications for industrial development will require a detailed effluent report based on the installation of Advanced Secondary Treatment Wastewater System(s).</p> <p>Whilst it is considered that this issue can be appropriately dealt with the at the DA stage, it is recommended that prior to exhibition, an updated Preliminary Effluent Report that considers Lot 42 is prepared.</p>
Electricity and telecommunications	Electricity and communications are currently available to the site.
Local roads and traffic	<p>The planning proposal has not undertaken any specific traffic assessment given the end nature of the use of the site is yet unknown.</p> <p>Given the proposal indicates that the proposal target land uses which require access to the Pacific Motorway, it is recommended that consultation is undertaken with Transport for NSW.</p>

State

It is not anticipated that there will be any impact on State or regional infrastructure or the requirement for additional funding.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate, and forms to 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:

- DCCEEW – Biodiversity
- DCCEEW – Floodplain Management
- DPIRD – Agriculture
- NSW RFS
- Yaegl LALC
- Transport for NSW
- NSW State Emergency Service

## 6 Timeframe

Council has not proposed a specific time frame to complete the LEP.

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

An LEP completion date of 9 months from the Gateway determination date 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. It is also recommended that the planning proposal be update prior to exhibition to provide a detailed timeline in line with the above 9-month timeframe.

## 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 relates to matters of a local planning nature, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

Whilst the planning proposal has several unresolved section 9.1 Directions and does not yet satisfy all the Urban Growth Area Variation criteria, it is considered that the planning proposal should proceed with conditions for the following reasons:

- the planning proposal is not inconsistent with the Clarence Valley Employment Land Strategy and the Clarence Valley Local Strategic Planning Statement;



- the planning proposal does not reduce the potential of land to support sustainable agricultural production; and
- the planning proposal will help facilitate employment land uses within proximity to a key transport route and noting that land has been used for a rural industry since the 1980s.

## 9 Recommendation

It is recommended the delegate of the Secretary:

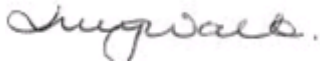
- agree that any inconsistencies with section 9.1 Directions 4.5 Acid Sulfate Soils, 5.1 Integrating Land Use and Transport, 7.1 Business and Industrial Zones, 9.1 Rural Zones and 9.2 Rural Lands are minor or justified; and
- note that the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.3 Planning for Bushfire Protection and 4.4 Remediation of Contaminated Land 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:
  - a) the planning proposal is to be updated to:
    - i) correct the property description error on page 4 relating to Lot 8 DP 715173;
    - ii) include existing and proposed Land Zoning and Lot Size Maps;
    - iii) correct the error on page 10 relating to the Clarence Valley Local Flood Emergency Sub Plan - SES Locality Response Arrangements, with Tyndale being located in the Maclean, not the Brushgrove Sector;
    - iv) revise the timeline for completion
    - v) address the outcomes and recommendations of the documents required by condition 1(b).
  - b) update the following documents to include Lot 42 DP 1095984:
    - i) AHIMS search;
    - ii) Stage 1 Contamination Assessment; and
    - iii) Preliminary Effluent Report.
  - c) Update the table on page 2 of the Floodplain Management & Impact Assessment to correct the percentage of the land affected by the PMF event.
2. Consultation is required with the following public authorities:
  - Department of Climate Change, Energy, the Environment and Water – Biodiversity
  - Department of Climate Change, Energy, the Environment and Water – Floodplain Management
  - Department of Primary Industries and Regional Development – Agriculture
  - NSW Rural Fire Service
  - Yaegl Local Aboriginal Land Council
  - Transport for NSW
  - NSW State Emergency Service
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

4. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 9 months from the Gateway determination date be included on the Gateway.



22-09-2025

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

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



25/9/25

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Craig Diss  
Director, Hunter and Northern Region

Assessment officer

Gina Davis  
Senior Planning Officer, Hunter and Northern Region  
5778 1487