

Gateway Determination

Planning proposal (Department Ref: PP_2019_PORTM_001_00): to rezone land on Lot 10 DP 615775 and Lot 1 DP 1117908, corner Houston Mitchell Drive and Ocean Drive, Bonny Hills from RU1 Primary Production to part IN2 Light Industrial, part E2 Environmental Conservation and part E3 Environmental Management and amend associated development standards.

I, the Director, Northern at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 to rezone land on Lot 10 DP 615775 and Lot 1 DP 1117908, corner Houston Mitchell Drive and Ocean Drive, Bonny Hills from RU1 Primary Production to part IN2 Light Industrial, part E2 Environmental Conservation and part E3 Environmental Management and amend associated development standards should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal shall be amended to:
 - a. include a preliminary contaminated land assessment;
 - b. include specific justification for the variation to the urban growth area boundary detailed in the *North Coast Regional Plan 2036* in accordance with Appendix A of the Plan;
 - c. update Figure 7 to;
 - i. correctly reference land zoned to the south of the subject site as RU1 rather than R1; and
 - ii. include E4 Environmental Management in the key;
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016).
3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and / or to comply with the requirements of relevant section 9.1 Directions:

- NSW Roads and Maritime Services (RMS)
- NSW Rural Fire Service (RFS)
- Office of Environment and Heritage (OEH)

Each public authority / organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 9 day of July 2019.



Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces