

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-653):** *Rezone the corner of Bonny View Drive and Ocean Drive, Bonny Hills to facilitate an educational establishment.*

I, the Acting Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, 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 2011 to rezone the corner of Bonny View Drive and Ocean Drive, Bonny Hills to facilitate an educational establishment should proceed subject to the following

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 6 months from the date of the Gateway determination.

### Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
  - (a) provide an assessment against the urban growth area variation principles in Appendix B of the North Coast Regional Plan 2041;
  - (b) note that Council is considering options of a pedestrian overpass or underpass and further details will be addressed as part of any future development application;
  - (c) remove the SP2 Infrastructure zone proposed for the road reserve south of the subject lot;
  - (d) remove reference to the land zoning map sheet;
  - (e) update the SP2 Infrastructure annotation for the road reserve to the east of the subject lot from SP2 School to SP2 Road; and
  - (f) update the SP2 Infrastructure annotation from SP2 School to SP2 Educational Establishment.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- NSW Biodiversity, Conservation and Science
  - Transport for NSW
  - NSW Rural Fire Service
  - Essential Energy
  - NSW Mining, Exploration and Geoscience
  - Busway Group
  - Birpai Local Aboriginal Land Council
  - NSW Department of Education
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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).

Dated 5 July 2024



**Craig Diss**  
**A/Director, Hunter and Northern Region**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**

