



Gateway determination report – PP-2022-653

Rezone the corner of Bonny View Drive and Ocean Drive, Bonny Hills to facilitate an educational establishment

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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 May 2024 Rev C
Appendix F – Response to prelodgement minutes

Appendix H – BDAR October 2021

Appendix I – Transport Planning and Traffic Engineering Report February 2022

Appendix J – Acoustic Assessment Report October 2021

Appendix K – Stage 1 Site Contamination Assessment August 2021

Appendix L – Aboriginal Due Diligence Assessment Report

Appendix M – Strategic Bushfire Study September 2021

Appendix N – Concept stormwater management plan

Appendix R – NCRP Urban Growth Variation Principles

Council Report December 2023

Council Resolution December 2023

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Port Macquarie-Hastings
PPA	Port Macquarie-Hastings Council
NAME	Rezone the corner of Bonny View Drive and Ocean Drive, Bonny Hills to facilitate an educational establishment
NUMBER	PP-2022-653
LEP TO BE AMENDED	Port Macquarie-Hastings Local Environmental Plan 2011
ADDRESS	Bonny View Drive and Ocean Drive, Bonny Hills
DESCRIPTION	Lots 6 and 7 DP 594792, Lot 6 DP 594793 and adjoining Ocean View Drive road reserve
RECEIVED	17/06/2024
FILE NO.	IRF24/1364
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:

- permit educational establishments on land identified for investigation for use as a school in the Port Macquarie Hasting Urban Growth Management Strategy (UGMS);
- ensure that future development is carried out in a manner that will integrate with and contribute to the adjoining existing and future land uses with respect to all forms of public and private transport, with a particular focus on active transport;
- ensure that the environmental constraints can be managed in a sustainable manner without limiting the development potential of both the site and adjoining properties; and
- protect and preserve areas of high environmental value vegetation.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Port Macquarie-Hastings LEP 2011 by changing the land zoning of Lots 6 and 7 DP 594792, Lot 6 DP 594793 and the adjoining road reserves from RU1 Primary Production to part SP2 Infrastructure (School) and part C2 Environmental Conservation.

No changes are proposed to the current 40ha minimum lot size, acknowledging this is not inconsistent with other private schools in the local government area (LGA).

There are no height of building or floor space ratio controls that currently apply to the land.

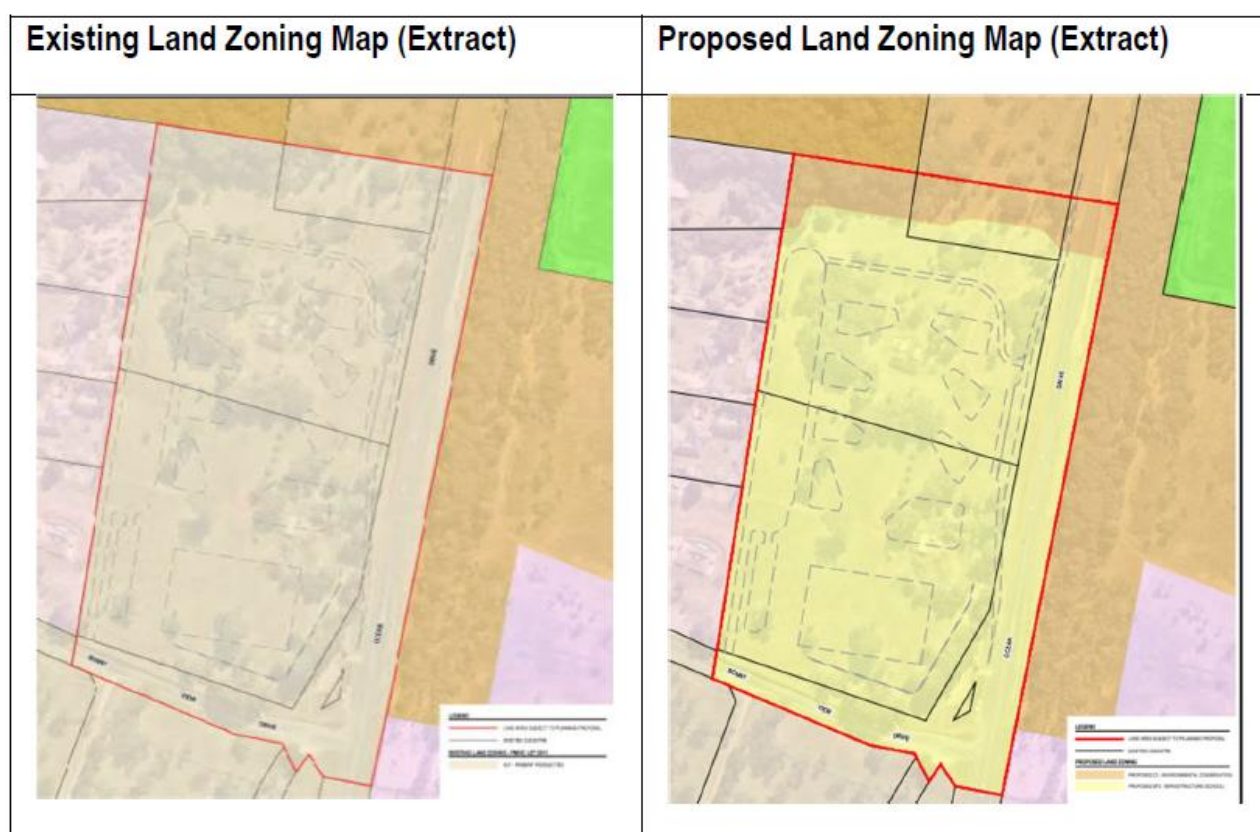


Figure 1 Existing and proposed land zoning (source: planning proposal)

The planning proposal references the land zoning map sheet which is no longer in effect as Port Macquarie-Hastings LEP 2011 has transitioned their zoning map to digital mapping. A condition is recommended to remove reference to the map sheet.

The planning proposal also seeks to extend the proposed SP2 Infrastructure zone to the adjacent road reserves. This is generally not consistent with other SP2 zonings which are only applied to the lot boundaries or LEP Practice Note (PN 10-001) which requires roads to be zoned the same as the adjoining land use zone. Retaining the existing RU1 Primary Production zone along Bonny View Drive is considered more appropriate. A condition is recommended to remove the proposed SP2 zone from the Bonny View Drive road reserve south of the subject site.

However with regard to Ocean View Drive, applying the adjoining C2 Environmental Conservation zone would be inconsistent with PN 09-002 which nominates this zone should be used for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. Further, applying a C2 zone will impact a proposed overpass / underpass in Ocean View Drive as it is not a prescribed zone under Part 3.4 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP) which contains the specific development controls for schools.

Therefore it is considered the most appropriate and practical response for the road reserve is to apply zone SP2 (road) which is a prescribed zone under the Transport and Infrastructure SEPP which allows development for the purpose of a school (and therefore ancillary infrastructure) to be carried out by any person with development consent. Further, if the consent authority for any future development application seeks to characterise the overpass / underpass as a separate component to the educational establishment, roads are permitted with consent in the SP2 zone under the Port Macquarie-Hastings LEP 2011.

PN 10-001 specifies the infrastructure category Educational Establishment annotation should be used rather than school for the SP2 zoning. A condition is recommended to update the proposal to reference the correct zoning label to SP2 Infrastructure (Educational Establishment).

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 subject site consists of three separate parcels identified as Lots 6 and 7 DP 594792 and Lot 6 DP 594793. The site is located on the corner of Bonny View Drive and Ocean Drive, Bonny Hills and has a site area of approximately 9.8 ha. Lots 6 and 7 DP 594792 both contain an existing dwelling house and are mostly cleared with patches of vegetation.

The accompanying traffic engineering report indicates that both Bonny View Drive and Ocean Drive are Council managed roads, and Ocean Drive is a classified (regional) road.

The site is located directly adjoining a large lot residential estate to the west with conservation zoned areas to the north. Residential land exists to the east of Ocean Drive, with areas still yet to be subdivided and developed. The proposal and supporting studies indicate pedestrian linkages from these residential areas and the sporting fields will be provided through a pedestrian overpass or underpass across Ocean Drive.

The West Bonny Hills urban release investigation area is located approximately 250m south-east of the subject site. Lake Cathie public school is located 400m north of the site on the eastern side of Ocean Drive.



Figure 2 Subject site (source: planning proposal)

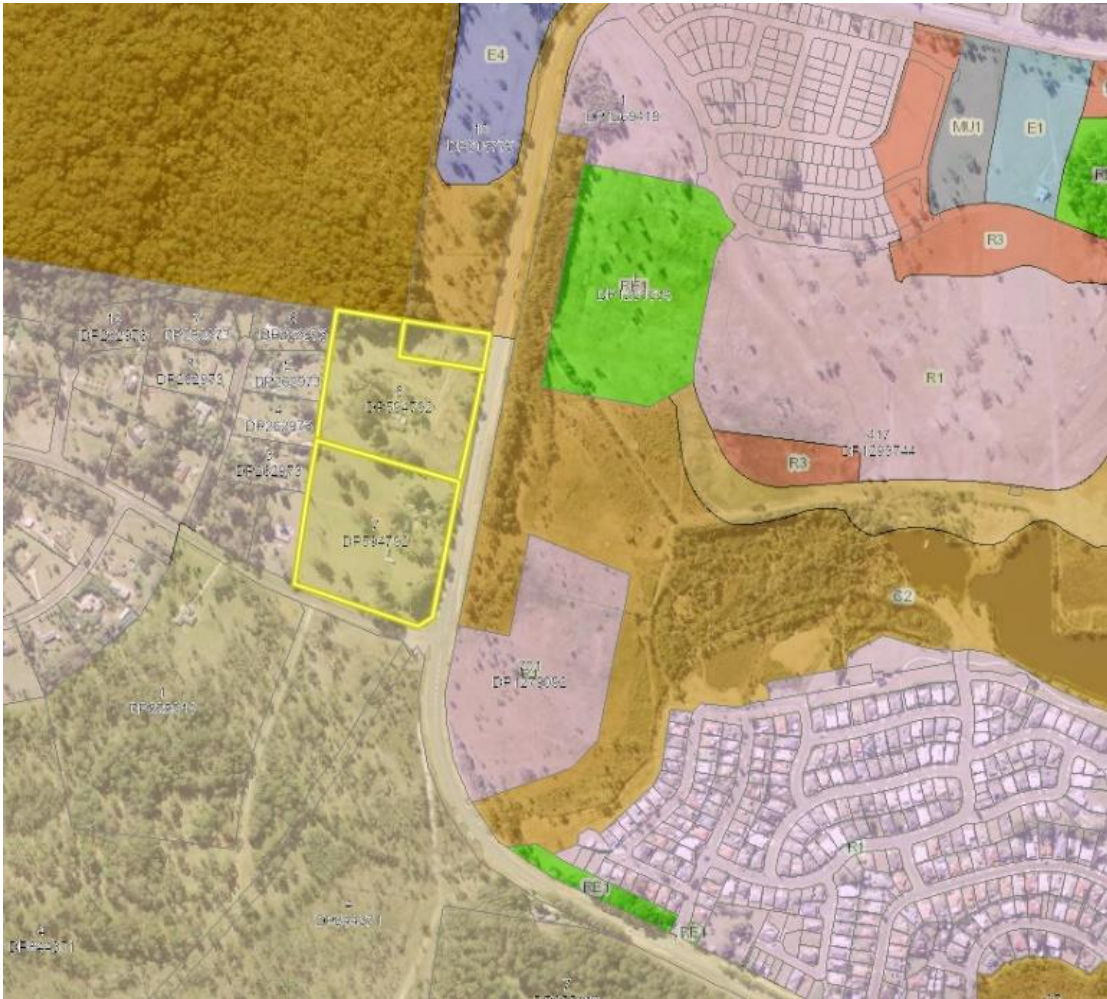


Figure 3 Site context (source: Northern Region Viewer 21/06/2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning map, which are suitable for community consultation.

As noted in section 1.3 above, the following changes are required to the maps prior to consultation:

- remove the reference to the land zoning map sheet which is no longer in effect as Port Macquarie-Hastings LEP 2011 has transitioned to digital land zone mapping;
- retain the existing RU1 Primary Production zone for the road reserve to the south of the subject lot (Bonny View Drive);
- update the SP2 Infrastructure annotation for the road reserve to the east of the subject lot (Ocean Drive) from SP2 School to SP2 Road; and
- update the SP2 Infrastructure annotation from SP2 School to SP2 Educational Establishment.

Conditions are recommended with regard to these matters.

2 Need for the planning proposal

The planning proposal has been prepared in the context of investigations undertaken in pursuant of Action 17 of the Port Macquarie-Hastings UGMS which states:

Investigate the capacity of land at the intersections of Ocean Drive with Houston Mitchell Drive for light industrial use and at the intersection of Ocean Drive with Bonny View Drive for light industrial development or for use as a school.

The Port Macquarie-Hastings UGMS was conditionally approved by the Department in November 2018. Action 17 supports the investigation of the subject site for light industrial development or use as a school. Further assessment on this is provided in section 3.2.

Educational establishments are prohibited in the RU1 Primary Production zone under the Port Macquarie-Hastings LEP 2011. The Transport and Infrastructure SEPP 2021 permits educational establishments in prescribed zones. The RU1 zone is not a prescribed zone in the SEPP. The proposed SP2 Infrastructure zoning will allow for the development of a school on the site and is considered the best means of achieving the objective of the planning proposal.

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.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 4 – Understand, celebrate and integrate Aboriginal culture	The planning proposal is supported by an Aboriginal Due Diligence Assessment Report which concludes the proposal can proceed subject to recommendations to be applied at the development application stage. The proposal is considered consistent with this objective.
Objective 5 - Manage and improve resilience to shocks and stresses, natural hazards and climate change.	<p>The site is not identified as flood prone or subject to coastal hazards. A small portion of the north-east corner is mapped as class 5 acid sulfate soils however this is outside of the proposed SP2 zone.</p> <p>The site is mapped as bushfire prone land. A strategic bushfire study has been prepared and concluded the use of a school outlined in the planning proposal is a suitable use of the land and can comply with Planning for Bushfire Protection 2019. Consultation with the NSW RFS to confirm that the proposal is satisfactory will be undertaken as part of the post Gateway process.</p>
Objective 8 – Support the productivity of agricultural land	The site is not mapped as, or in proximity to state or regionally significant farmland and has been identified for investigation for use as employment land or a school in a Department approved strategy consistent with this objective.

Objective 11 – Support cities and centres and coordinate the supply of well-located employment land	As outlined in section 4.2 of this report, this planning proposal is not likely to have a significant impact on the availability of employment land in the PMH LGA. It is considered the planning proposal is not inconsistent with this objective.
Objective 16 – Increase active and public transport usage	The planning proposal will support active transport by providing a pedestrian overpass or underpass from the residential precincts east of Ocean Drive. The Transport Planning and Traffic Engineering Report proposes a bus only access facility on Ocean Drive to facilitate students travelling to the school via public transport and vehicle access via Bonny View Drive. It is considered the planning proposal provides an increase of active and public transport options consistent with this objective.
Objective 18 – Plan for sustainable communities	<p>This objective refers to the key settlement planning principles and the settlement planning guidelines including:</p> <ul style="list-style-type: none"> - Identify growth needs and opportunities; - Direct growth to identifies urban growth areas; - Ensure sustainable development within the coastal strip; - Determine a required structure for future development; and - Encourage locally responsive sustainable design. <p>It is considered that the planning proposal is consistent with these principles apart from directing growth to identified urban growth areas as the site is not currently located within the urban growth area boundary. An assessment against the urban growth area variation principles is provided with the planning proposal, however this has been made against the 2036 Regional Plan principles. A condition of the Gateway determination is recommended to provide an assessment against the 2041 Regional Plan principles. It is concluded that consistency with the 2041 principles can be met. An assessment is provided below.</p>

The following table provides an assessment against the Urban Growth Area Variation Principles in the North Coast Regional Plan 2041. It is considered the proposal can demonstrate consistency with these principles.

Table 4 Urban Growth Area Variation Principles North Coast Regional Plan 2041.

Principle	Consistency
Policy	The planning proposal is considered to be consistent with the North Coast Regional Plan 2041 and PMH UGMS. Consistency with section 9.1 directions and SEPPs is considered as part of this report.
Infrastructure	The planning proposal and supporting reports consider the infrastructure requirements to service the school site and confirm they can be provided at no cost to government. Consultation with Transport for NSW is recommended as part of the exhibition period.
Environmental and Heritage	The proposal is supported by a BDAR and Aboriginal Heritage Due Diligence Report that discusses consistency with the relevant legislation and measures to

	avoid and manage potential impacts to the environment and Aboriginal Heritage. Consultation with NSW BCS is recommended.
Avoiding Risk	The site is not considered to be constrained, apart from being mapped as bushfire prone. A bushfire report has been provided and concludes the proposed school development can comply with Planning for Bushfire Protection 2019. Consultation with RFS will be required.
Coastal Strip	The site is east of the Pacific Motorway and located within the coastal strip. The site is considered be a minor and contiguous variation to the urban growth area and its use for urban purposes is consistent with a Department approved local strategy.
Land Use Conflict	The planning proposal notes that schools typically border or are located within residential areas which is the case for this site. No agricultural or incompatible land uses are within close proximity of the site. It is considered that use of the site for a school is appropriate and will produce less land use conflicts in comparison to an alternative industrial zone and will help create a transition area between the R5 Residential Zone to the west and the E4 General Industrial Zone to the north.
Important Farmland	The site is not mapped as significant farmland and is identified for use as a school or industrial land in an endorsed growth strategy. The site is bordered by residential and conservation land and is currently used for rural residential purposes. The site is considered appropriate for a non-rural zone and will not have a significant impact on agricultural capability within the region.

3.2 Local

The proposal is consistent with the following local plans and endorsed strategies as detailed in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS) – Shaping our future 2040	The planning proposal is considered to be not inconsistent with PMH LSPS.
PMH Urban Growth Management Strategy (UGMS) 2017-2036	<p>PMH UGMS was conditionally approved by the Department in November 2018. The conditions noted that release areas outside of the urban growth area are endorsed for investigation only and changes to the urban growth area will not be made until appropriate structure plans have been made or individual proposals can demonstrate consistency with the regional plan and urban growth area variation principles. It is considered that the planning proposal sufficiently addresses these conditions and a structure plan is not required in this instance for a stand-alone school site, however an assessment against the North Coast Regional Plan 2036 variation criteria has been provided. A condition is recommended to require an assessment against the North Coast Regional Plan 2041 variation criteria. As discussed in table 4 it is considered that the proposal can meet the most recent variation principles.</p> <p>Action 17 of the UGMS directly relates to this site and states:</p>

Investigate the capacity of land at the intersection of Ocean Drive with Houston Mitchell Drive for light industrial use and at the intersection of Ocean Drive with Bonny View Drive for light industrial development or for use as a school.

The planning proposal and accompanying studies have been prepared to investigate the use of the site as a Catholic High School. These documents conclude that site is suitable for a school and that adequate employment land to serve the needs of the local community can be delivered by the Houston Mitchell Employment Land north of the site and in the future West Bonny Hills urban release area.

It is considered that the use of the site as a school is consistent with the UGMS.

An assessment against the loss of employment land is provided in section 4.2.

3.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all relevant section 9.1 Directions except those discussed below.

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Justifiably inconsistent	This direction applies as the Aboriginal Due Diligence Report that accompanies this proposal identifies an area of potential archaeological deposit on the site adjoining the western boundary and the proposal contains no provisions to conserve or protect this area. The identification survey undertaken was conducted in collaboration with Birpai Local Aboriginal Land Council. The report recommends that the proposal is appropriate to proceed subject to further testing being undertaken at the development application stage. It is considered that any inconsistency with this direction is of minor significance as further investigation will be undertaken at the development application stage and clause 5.10 in PMH LEP 2011 already facilitates the assessment and conservation of heritage including archaeological deposits through the development assessment process. A Gateway condition is recommended to consult with the Birpai Local Aboriginal Land Council.
4.3 Planning for Bushfire Protection	Inconsistent	This direction applies as the site is mapped as bushfire prone land. The proposal is supported by a bushfire assessment report, however this direction requires consultation with NSW RFS. Consistency with this direction remains unresolved until consultation with RFS has occurred.

7.1 Employment Zones	Justifiably inconsistent	<p>This direction applies as the site is identified for potential employment land in the PMH UGMS.</p> <p>Use of the site as a school is also supported by PMH UGMS, however the proposed SP2 zoning will reduce the potential floor area of industrial land that may have been available should the site be zoned for industrial purposes. Use of the site for a school as opposed to industrial land has been adequately justified in the planning proposal (refer to section 4.2) and is supported by a Department approved strategy. It is considered that the inconsistency with this direction is justified and of minor significance.</p>
8.1 Mining, Petroleum Production and Extractive Industries	Unresolved	<p>The proposal is inconsistent with this direction as the rezoning of the land to SP2 Educational Establishment will prohibit extractive industries which are currently permitted in the RU1 Primary Production zone. This inconsistency is considered to be of minor significance as extractive industries occurring on the site in the future is considered unlikely noting the size of the land and the nature of the adjoining uses that include residential accommodation. This direction will however remain unresolved until consultation is undertaken with the NSW Mining, Exploration and Geoscience in accordance with the direction requirements.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be not inconsistent 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 7 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	<p>A Biodiversity Development Assessment Report (BDAR) has been prepared and accompanies this planning proposal. Desktop and ground surveys were undertaken as part of the BDAR development. Seven (7) Plant Community Types (PCT) were identified on site with 3 of these to be retained in the proposed C2 zoned area. No Endangered Ecological Communities or threatened species were identified within the SP2 zoned development envelope on the site.</p>

Due to the landscape modification required for the 9-hectare envelope to facilitate the school, the BDAR indicates that direct impact of 1.93 hectares of vegetation will require offsetting to deliver an appropriate environmental outcome, including 10 hollow bearing trees and 60 primary preferred koala food trees. The development will trigger the Biodiversity Offset Scheme.

The proposal seeks to avoid a potential small remnant EEC in the north of the site by use of a C2 Environmental Conservation zone which will connect to the adjacent C2 zoned area and the nature reserve. A Vegetation Management Plan (VMP) will be required to facilitate revegetation and some offsetting in the C2 zoned area as part of a subsequent development application. The proposal also indicates that a number of preferred koala feed trees will be incorporated into the future landscaping to offset the loss of existing trees to be removed.

Consultation with NSW Biodiversity, Conservation and Science (BCS) is recommended to confirm that the proposal is satisfactory.



Figure 4 Vegetation within Development Envelope (Source: BDAR)

Koala Habitat

The accompanying BDAR provides an assessment of koala habitat including assessment under both Koala Habitat Protection SEPP 2020 and 2021 and concludes:

- Under KSEPP 2020 the site contains potential koala habitat, however there is a lack of sufficient evidence of koala use to indicate it contains or forms part of Core Koala Habitat as defined under the SEPP and therefore a Koala Plan of Management is not required under this SEPP; and
- Under KSEPP 2021, the site contains highly suitable koala habitat, however, does not currently qualify as core koala habitat under the definition of 4(a) of the SEPP.

The proposal acknowledges that while a significant number of preferred koala feed trees will be retained on the site, that the proposed development will remove approximately 60 locally identified primary preferred koala food trees. This is

considered reasonable in the circumstances noting that the site is not identified as a key linkage for koalas due to Ocean Drive forming a significant barrier to the east, that offsetting through a future BDAR will be undertaken along with future onsite landscaping of koala feed trees and potentially expanding plantings in the C2 zoned corridor on the adjacent lot.

Consultation with BCS is recommended.

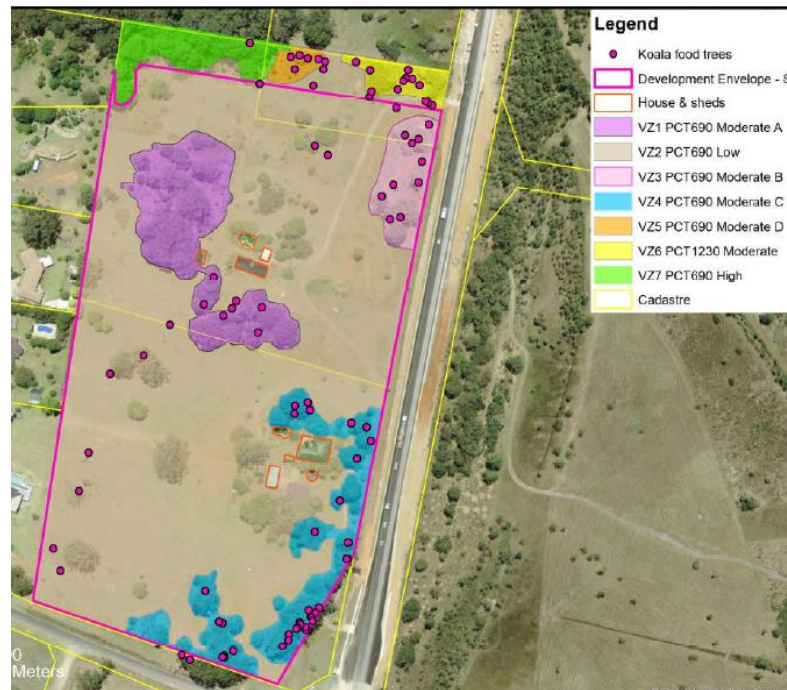


Figure 5 Koala food trees (source: BDAR)

Bushfire

The site is mapped as bushfire prone land. To support the proposal a strategic bushfire study has been prepared which confirms the proposal meets the requirements for APZ, roads and access provisions and services and that the proposal is a suitable use of the land and can comply with Planning for Bushfire Protection 2019.

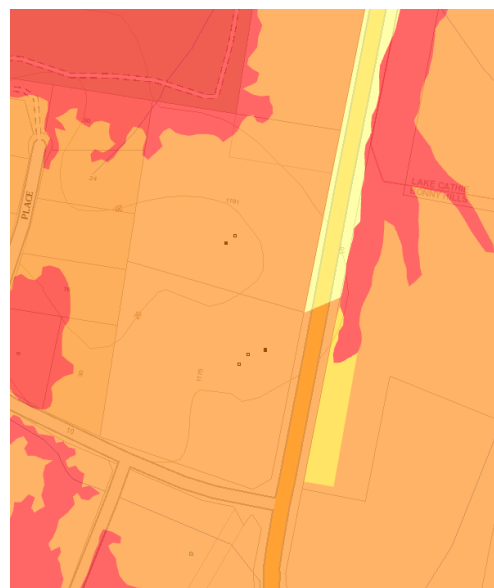


Figure 6 Bushfire prone land mapping (source: NSW Spatial viewer)

Contamination	<p>A Stage 1 Site Contamination Assessment has been prepared to accompany the proposal in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Land (2020).</p> <p>The assessment included identification of areas of environmental concern based on site observations and past land use, and a limited amount of sampling in the identified areas. The assessment found that contaminant concentrations did not exceed the adopted health investigation criteria, however, the site is currently occupied by two dwellings, various sheds, septic tanks and wastewater disposal fields that are all to be removed prior to commencement of the development.</p> <p>This assessment concludes that based on the results obtained in the investigation, the site is likely to be suitable for the proposed secondary school land use with regard to the presence of soil contamination and recommends a Stage 2 Site Contamination Assessment of localised areas in the vicinity of the existing dwellings at the completion of demolition works which can be appropriately undertaken at the development application stage.</p>
Noise	An Acoustic Assessment has been prepared and submitted with the planning proposal which concludes the site could be used for the proposed school and satisfy all relevant noise guidelines. The report provides design recommendations relevant at the development application stage.
Flooding	The site is not mapped as flood prone land.
Coastal Hazards	The site is not mapped as containing or in proximity to coastal hazards.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Employment Lands	<p>The planning proposal provides a discussion on the potential impact on Council's employment land needs for Lake Cathie and Bonny Hills to 2036. PMH UGMS (2017) identifies the site for investigation as light industrial development or for use as a school.</p> <p>Volume two of UGMS notes that approximately 8ha of additional service industry land is required to service projected demand in the Lake Cathie and Bonny Hills area to 2036.</p> <p>An industrial investigation area was also identified directly north of the site and has since been rezoned to provide 5.5ha of E4 General Industrial land.</p> <p>The UGMS sought to investigate an internal connection road to the industrial investigation area to the north. During the above rezoning Council's ecologists and NSW BCS indicated they do not support the internal road as it would sever land that has been identified as having environmental significance and zoned C2 Environmental Conservation. The inability to provide an internal road reduces the suitability of the subject site for industrial purposes.</p>

	<p>The planning proposal argues that the use of the site for a school is more appropriate noting the potential land use conflicts of the adjoining large lot residential land and the need for appropriate buffers and that the deletion of the internal road would result in a standalone industrial precinct which will require additional infrastructure.</p> <p>Currently no other industrial investigation areas are identified for the Bonny Hills/Lake Cathie area in the UGMS. This planning proposal will therefore result in a 2.5ha deficit of identified industrial land by 2036.</p> <p>The PMH UGMS states that the proposed outline plan for West Bonny Hills will need to consider, amongst other things, the need for light industrial development to service the Lake Cathie and Bonny Hills communities.</p> <p>The UGMS notes that the creation of the new industrial areas also increased the total supply of vacant industrial land in the Port Macquarie-Hastings LGA to around 290ha (2015) which is sufficient to meet the needs of the broader LGA.</p> <p>Considering the small deficit, potential opportunities to provide additional light industrial land within the future West Bonny Hills urban release area, sufficient vacant industrial land in the broader LGA and the ability for Council to identify future investigation areas in an updated growth strategy prior to 2036, it is considered that the use of the site as a school will not have a significant impact on the availability of suitable industrial land in the locality.</p>
Demand for a high school	<p>The planning proposal states that the two existing Catholic high schools, St Joseph's Regional College and Mackillop College were at or near capacity in 2020.</p> <p>The proposal also confirms that an area zoned for residential purposes on the eastern side of Ocean Drive has previously been identified as a potential school site as part of a Part 3A Concept Approval issued by the former Minister for Planning and Infrastructure on 1 March 2012.</p> <p>The proponent has consulted with the St Vincent's Foundation who own the land, and they have confirmed it is not intended to retain or develop the site on the eastern side of Ocean Drive for a Catholic school as it is not suitable based on-site area once bushfire requirements have been accommodated (7.5ha reduced to 3.2ha once bushfire protection zones are incorporated which is not sufficient to cater for a high school that will eventually accommodate over 1000 students).</p> <p>Based on the current and predicted population growth and the current capacity and growth of the primary and high schools, the planning proposal sufficiently addresses the demand for a high school to service the Bonny Hills and Lake Cathie area and surrounds.</p>
Location and access	<p>The site is located adjacent to and will service a newly released residential greenfield site. The planning proposal states the 390 high school students currently travel from the Lake Cathie/Bonny Hills urban release area and the Camden Haven area to Port Macquarie each day to attend St Agnes Parish Catholic schools. The site will service these areas and allow for reduced travel time while providing additional school choices.</p> <p>It is proposed to link the approved pedestrian and cycleway network servicing the St Vincent Foundation southern residential site east of Ocean Drive to the school site through an underpass or overpass which will be located under/over Ocean Drive. This will provide safe and active transport options connecting to existing and planned pedestrian and cycle ways to the residential zoned land.</p>

	The eastern site frontage presents an opportunity to provide a separated bus pick up and drop off area along Ocean Drive.
Jobs	The planning proposal indicates the proposed school will result in the creation of 125 equivalent full-time jobs in the education sector. The education and training sector has been identified in the PHM UGMS as a key employment industry both now and into the future. It considered that the proposed school will have a positive outcome in creating both employment opportunities during construction and operation and training opportunities by providing additional options for educational placement courses.

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 9 Infrastructure assessment

Infrastructure	Assessment
Water	The planning proposal indicates that a 300mm water main is available along the Ocean Drive frontage, which reduces to 150mm in Bonny View Drive. It is proposed to provide a water strategy and plans as part of the staged development application.
Sewer	The planning proposal indicates that sewer lines are available for the site and were constructed as part of the construction of the Rainbow Beach Sporting Fields. A landowner offer to fund the sewer lines were accepted by Council in May 2021. The proposal states that there is sufficient capacity for the proposed high school and further consultation with Council will occur as the adjacent URA, under the same ownership is developed.
Stormwater	A concept stormwater management plan has been prepared to support the planning proposal.
Roads, access and transport	<p>The planning proposal is supported by a traffic engineering report which considers a staged development of the site for a high school catering for 1200 students. A roundabout at the Ocean Drive and Bonny View Drive intersection and a pedestrian underpass or overpass will be provided as part of the stage 1 works.</p> <p>The traffic engineering report has been prepared based on pre consultation with Council and Transport for NSW. A separate bus only pick up and drop off area is proposed along the Ocean Drive frontage. The vehicle entrance to the school will be via Bonny View Drive. The report concludes that the proposed concept plan is appropriate and sound having regard to relevant standards and can be approved with respect to transport planning and traffic engineering matters. It is recommended that the planning proposal be provided to Transport for NSW for comment during the public exhibition period.</p> <p>Throughout the planning proposal references are made to a pedestrian underpass under Ocean Drive connecting to the pedestrian and cycle network supporting the residential area. The traffic engineering report references a pedestrian overpass. Council have since indicated that they are exploring both options for pedestrian connectivity, however, will only proceed with one. Further details of the underpass</p>

or overpass will be considered at the development application stage. For clarity purposes it is recommended that the planning proposal is updated prior to exhibition to note this.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The planning proposal has been categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, August 2023). Should the proposal proceed, the proposal would need to be publicly available for a minimum of 20 working 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:

- NSW Biodiversity, Conservation and Science
- Transport for NSW
- NSW Rural Fire Service
- Essential Energy
- NSW Mining, Exploration and Geoscience
- Busways Group
- Birpai Local Aboriginal Land Council
- NSW Department of Education

6 Timeframe

Council proposes a six month time frame to complete the LEP.

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

An LEP completion date of six months is supported in line with the Department's commitment to reducing processing times and with regard to the benchmark timeframes, while allowing for sufficient time to consider agency and public submissions. A condition to the above effect is recommended in the Gateway determination.

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 is consistent with the Department approved PMH UGMS and the North Coast Regional Plan 2041 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 planning proposal will give effect to Action 17 in the Port Macquarie-Hastings Urban Growth Management Strategy;
- the proposal is considered to be not inconsistent with the North Coast Regional Plan 2041;
- the proposal is supported by appropriate technical studies; and
- the proposal will allow for development of a high school which will service the urban release areas in Lake Cathie and Bonny Hills.

Based on the assessment outlined in this report, the proposal is to be updated before consultation to:

- provide an assessment against the urban growth area variation principles in Appendix B of the North Coast Regional Plan 2041;
- 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;
- remove the SP2 Infrastructure zone proposed for the road reserve south of the subject lot;
- remove reference to the land zoning map sheet;
- update the SP2 Infrastructure annotation for the road reserve to the east of the subject lot from SP2 School to SP2 Road; and
- update the SP2 Infrastructure annotation from SP2 School to SP2 Educational Establishment.

9 Recommendation

It is recommended the delegate of the Secretary:


- Agree that any inconsistencies with section 9.1 Directions 3.2 Heritage Conservation and 7.1 Employment Zones are justified; and
- Note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection and 8.1 Mining, Petroleum Production and Extractive Industries is 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 community consultation, the planning proposal is to be updated 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. Consultation is required with the following public authorities:
 - NSW Biodiversity, Conservation and Science
 - Transport for NSW
 - NSW Rural Fire Service
 - Essential Energy
 - NSW Mining, Exploration and Geoscience
 - Busways Group
 - Birpai Local Aboriginal Land Council
 - NSW Department of Education
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 6 months be included on the Gateway.



04-07-2024

(Signature)_____
(Date)

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



5/4/24

(Signature)_____
(Date)

Craig Diss
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