

# PLANNING PROPOSAL

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## Proposed Catholic High School corner Bonny View Drive and Ocean Drive, Bonny Hills

PURPOSE OF AMENDMENT:

To enable the future land use for the purposes of a school on the land.

SITE Lots 6 & 7 DP 594792 and Lot 6 DP 594793 corner Bonny View Drive and Ocean Drive, Bonny Hills

DATE August 2024

PREPARED BY

King & Campbell Pty Ltd  
25-27 Hay Street  
Port Macquarie 2444

CONTACT

Anthony Thorne / David Matthews  
Tel. (02) 6586 2555  
E. [info@kingcampbell.com.au](mailto:info@kingcampbell.com.au)

Job No. 6084

## Revision Schedule

| Revision Number | Date        | Description                                      | Staff  |
|-----------------|-------------|--|--------|
| C               | May 2024    | Final Issued to PMHC                             | AJT/DM |
| D               | August 2024 | Final Issued to PMHC after Gateway Determination | AJT    |
|                 |             |  |        |
|                 |             |  |        |

Site Inspection completed:

Officer:

Organisation

### Disclaimer

This report was prepared in accordance with the scope of works set out in the contract between King & Campbell Pty Ltd and the Client. To the best of King & Campbell Pty Ltd's knowledge, the proposal presented herein accurately reflects the Client's intentions when the report was printed. However, it is recognised that conditions of approval at time of consent, post development application modification of the proposals design, and the influence of unanticipated future events may modify the outcomes described in this report.

King & Campbell Pty Ltd used information and documentation provided by external persons, companies and authorities. Whilst checks were completed by King & Campbell Pty Ltd to ensure that this information and/or documentation was accurate, it has been taken on good faith and has not been independently verified. It is therefore advised that all information and conclusions presented in this report apply to the subject land at the time of assessment, and the subject proposal only.

# Executive Summary

This Planning Proposal has been prepared under Section 3.33(2) of the Environmental Planning and Assessment Act 1979 (EPA Act), in accordance with Local Environmental Plan Making Guideline (August 2023) (Guideline), as published by the NSW Department of Planning and Environment (DPE) and Port Macquarie-Hastings Council (Council) Planning Proposal Policy 2020.

The Guideline provides that there are six (6) stages to the Planning Proposal process, which has been reproduced in Figure 1.



Figure 1 - Copy of Planning Proposal Stages from Local Environmental Plan Making Guideline (August 2023)

This version of the Planning Proposal represents Stage 3 in the timeline and has been initiated by

a proponent – King and Campbell Pty Ltd on behalf of St Agnes Catholic Parish, Port Macquarie in relation to their land known as Corner Bonny View Drive and Ocean Drive which is legally described as Lots 6 & 7 DP 594792 and Lot 6 DP 594793 (Site); and includes the rezoning of the adjacent Bonny View Drive and Ocean Drive road reserves.

The Planning Proposal is seeking to amend the Port Macquarie-Hastings Local Environmental Plan 2011 (PMH LEP) as follows:

1. Amendment to the Land Zoning Map with respect to the Site to:
  - a. Convert the existing RU1 Primary Production zone to part SP2 Infrastructure (Educational Establishment) and part C2 Environmental Conservation (refer Appendix A)

The Planning Proposal includes a Preliminary Concept Plan of the proposed Educational Establishment (Appendix B) which provides concept details of a pedestrian underpass of Ocean Drive. It is noted that Port Macquarie-Hastings Council is considering options of a pedestrian overpass or underpass of Ocean Drive and further details will be addressed as part of any future development application.

This Planning Proposal and supporting studies/reports demonstrates that the amendments sought to PMH LEP are consistent with:

- North Coast Regional Plan 2041 (NCRP 2041)
- Local Strategic Planning Statement (LSPS) – ‘Shaping Our Future 2040’ (Sept 2020)
- Port Macquarie-Hastings Urban Growth Management Strategy 2017 (PMH UGMS)
- Community Strategic Plan (CSP)
- All State Environmental Planning Policies (SEPPs); and
- Local Planning Directions under Section 9.1(2)

This Planning Proposal is therefore commended to Council for review and referral to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway Determination.

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## Abbreviations and Definitions

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This Planning Proposal uses the following abbreviations and definitions:

APZ: means Asset Protection Zone  
BC Act: Biodiversity Conservation Act 2016  
BCD: means Biodiversity Conservation Division of DPE (prior to 1 January 2024)  
BDAR: means Biodiversity Development Assessment Report  
BOS: means Biodiversity Offset Scheme  
Council: means Port Macquarie-Hastings Council  
CSP: means Community Strategic Plan  
DPE: means Department of Planning and Environment (Prior to 1 January 2024)  
DPHI: means Department of Planning, Housing and Industry (from 1 January 2024)  
EPA Act: Environmental Planning and Assessment Act 1979  
EPA Reg: Environmental Planning and Assessment Regulation 2021  
EPBCA: Commonwealth Environment Protection and Biodiversity Conservation Act 1999  
EPI: means Environmental Planning Instrument  
HEV: means High Environmental Value  
HMDEL: means Houston Mitchell Drive Employment Lands  
LCBH URA: means Lake Cathie/Bonny Hills Urban Release Area  
LGA: means Local Government Area  
LSPS: means Local Strategic Planning Statement – ‘Shaping Our Future 2040’ (Sept 2020)  
NCRP 2036: North Coast Regional Plan 2036  
NCRP 2041: North Coast Regional Plan 2041  
pBDAR: means Provisional Biodiversity Development Assessment Report  
PBP 2019: means Planning for Bushfire Protection 2019  
PMH LEP: Port Macquarie-Hastings Local Environmental Plan 2011  
PMH DCP: Port Macquarie-Hastings Development Control Plan 2013  
PMH UGMS: means Port Macquarie-Hastings Urban Growth Management Strategy 2017  
RF Act: Rural Fires Act 1997  
RF Reg: Rural Fires Regulation 2013<sup>1</sup>  
SFPP: means Special Fire Protection Purpose  
TfNSW: means Department of Transport for New South Wales

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<sup>1</sup> Regulation at time of writing this Planning Proposal. Noting the *Rural Fires Regulation 2022* is now the Statutory Instrument.

# Introduction

## 1 - Introduction

This Planning Proposal has been prepared under Section 3.33(2) of the Environmental Planning and Assessment Act 1979 (EPA Act), in accordance with Local Environmental Plan Making Guideline (August 2023), as published by the NSW Department of Planning and Environment (DPE) and Port Macquarie-Hastings Council's (Council) Planning Proposal Policy 2020.

This Planning Proposal seeks to amend Port Macquarie-Hastings Local Environmental Plan 2013 (PMH LEP) asset out in Table 1:

Table 1 - Summary of Planning Proposal

|                   |   |
|-------------------|---|
| Purpose           | Rezoning of land to permit a Catholic High School on the subject site   |
| Legal Description | Lots 6 & 7 DP 594792 and Lot 6 DP 594793  |
| Property Address  | Corner Bonny View Drive and Ocean Drive (this Planning Proposal includes the rezoning of the adjacent Bonny View Drive and Ocean Drive road reserves) |
| Site Area         | 12.75ha, comprising 9.848ha within the school site and 2.9ha of the adjacent road reserve   |
| Current PMH LEP   | RU1 Primary Production  |
| Proposed PMH LEP  | Part SP2 Infrastructure (Educational Establishment)) and part C2 Environmental Conservation   |
| Applicant details | St Agnes Catholic Parish, Port Macquarie c/- King and Campbell Pty Ltd  |
| Landowner         | The Trustees of the Roman Catholic Church Diocese of Lismore  |

The proposed zone plan is included at Appendix A and the preliminary concept plans, including photomontages of the proposed catholic high school campus, are included at Appendix B.

This Planning Proposal is consistent with Economic Development Action 17 of the PMH UGMS, which states:

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

This Planning Proposal submission has been prepared following consultation with Council and having regard to:

- a. The minutes from the Council Planning Proposal Pre-Lodgement Meeting, 19 January 2021 (refer Appendix E).



- b. The Council Planning Proposal Policy, February 2020.

## 2 - Site Context and Site Analysis

The site is located on the north-western corner of the intersection of Ocean Drive with Bonny View Drive at Bonny Hills. The Site Context Plan, Site Detail Survey and Site Analysis Plans are included at Appendix C and extracts are provided below at Figure 2, Figure 3 and Figure 3 respectively.

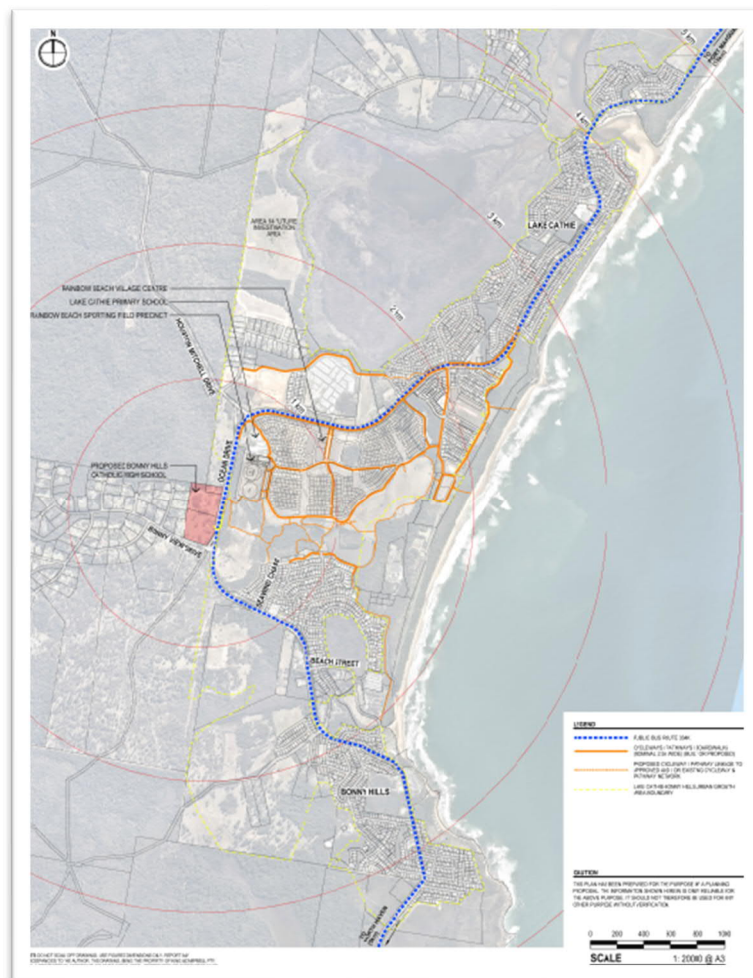


Figure 2 - Extract of Site Context Plan



Figure 3 - Extract of Detailed Site Survey



- This site is located on the western side of Ocean Drive (reference sheet 1) and is:
  - Immediately adjacent to the Lake Cathie/Bonny Hills Urban Release Area (LCBH URA). The LCBH URA is predicted to grow to a population of 10,000 persons by 2036 (PMH UGMS).
  - Immediately south of Queens Lake State Conservation Area.
  - Immediately south of the environmental management lands associated with the Houston Mitchell Drive Employment Lands.
  - Immediately west of the Rainbow Beach Sporting Fields Precinct.
  - Immediate east of the existing large lot residential estate (Bonny View Drive and Wardoo Place). As shown on sheet 2 the existing houses are setback approximately 18m-80m from the subject western boundary.

- Immediately south-west of Lake Cathie Primary School (within the LCBH URA). South-west of the Rainbow Beach Village Centre (within the LCBH URA). A development application for the Village Centre is expected to be lodged in the next three (3) months; and
  - Immediately west of the existing and proposed cycleway/pathway networks (within the LCBH URA). As outlined in the Transport Plans (refer Appendix O), it is proposed to make direct connection from the high school campus to the existing and proposed networks.
- Minor extensions to the existing cycleway/pathway network will provide a direct link to the existing Rainbow Beach Sporting Fields Precinct and the Rainbow Beach Residential Estate (reference B on sheet 2).
- The southern extent of the site is topographically less constrained and provides an opportunity for playing fields (reference C on sheet 2).
- Vegetation on the northern property boundary includes part existing HEV (JB Enviro, Appendix H) and part regenerating vegetation. An opportunity is provided to consolidate this area with the Queens Lake State Conservation Area and the existing C2 zoned lands to the north (reference D on sheet 2).
- Primary vehicular access to be provided via a new intersection at Ocean and Bonny View Drives, with maximum separation between driveway and intersection to be provided (reference E and J on sheet 2). Opportunity to use the upgraded intersection to access future development of residentially zoned land on the eastern side of Ocean Drive.
- Potential amenity (noise) impacts for the existing large lot residential subdivision to be mitigated on western boundary of subject site (reference F on sheet 2). Opportunity to use level difference between existing western boundary and future campus to assist mitigate potential acoustic and visual impacts.
- The photomontage and concept master plan (refer Appendix B) illustrate the likely scale and built form of the school campus within the existing rural residential setting of the site.
- Opportunity to link new pedestrian underpass with existing cycleway/footpath network (reference G on sheet 2).
- The existing ridgeline provides an opportunity for an elevated, well connected school campus (reference H on sheet 2).
- The frontage to Ocean Drive provides an opportunity for a bus lane with direct access from Ocean Drive, and separation from the car park area and private vehicle drop off / pick up area (reference I on sheet 2).



- The existing mature vegetation on the south-eastern corner of the site provides an opportunity for visual screening (reference K on sheet 2).

### 3 Background

May - June 2017

Consultation was undertaken with Council's General Manager, Director of Development and Environment and Director of Strategy and Growth in relation the strategic review and overall planning for the growth and development of Catholic education in the Port Macquarie-Hastings LGA.

The context for this review was the lack of capacity in the existing Catholic schools, the current expanding school student population and Council's ongoing review of its Urban Growth Management Strategy (UGMS).

At that time the draft UGMS identified the site as part of an Industrial Investigation Area for the Lake Cathie Bonny Hills URA. While the need for local employment lands was acknowledged it was also noted that there was a need for early planning for future school sites within the various URAs, particularly in the context of:

The existing St Agnes Catholic Parish schools being at or near capacity within the next few years; and

The number of primary and high school students currently travelling from the Lake Cathie/Bonny Hills and Camden Haven localities to the St Agnes Parish Port Macquarie campuses.

March - June 2018

Further consultation was undertaken in context with the gazettal of the SEPP (Educational Establishment and Child Care Facilities) 2017<sup>2</sup> and the decision of Council at its June 2018 meeting to adopt the Port Macquarie-Hastings Urban Growth Management Strategy (PMH UGMS). The final PMH UGMS includes Action 17:

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

April 2019

By correspondence to Council of 18 April 2019, the proponent expressed support for the inclusion of the subject lands as Operational Action 4.5.1.11 in the 2019/2010 Operational Plan.

Operational Action 4.5.1.11 states:

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<sup>2</sup> This SEPP has now been incorporated into the *SEPP (Transport and Infrastructure) 2021*

Investigate the capacity of land at the section 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.

September / December 2020 – January 2021

During this period ongoing consultation was undertaken with Council to confirm the matters to be addressed in a Planning Proposal, culminating in the submission of a formal pre-Planning Proposal submission to Council on 23 December 2020 that included the following:

- Previous submissions to Council that addressed economic considerations and the St Vincent's Foundation land ("southern site"), on the eastern side of Ocean Drive.
- A preliminary biodiversity assessment to identify areas of High Environmental Value (HEV) vegetation in the north-west corner of the site, the location of vegetation plots, preliminary plant community type and condition, and an initial BAM Credit Summary report.
- Preliminary bushfire hazard advice to locate the "Concept Building Pad" outside the 79m Bushfire APZ to the Queens Lake Conservation Areas and areas of HEV vegetation or buffers to that vegetation.
- A preliminary Master Plan, with consideration of access, connections to the residential precincts in the LCBH URA, the Rainbow Beach Playing Fields Precinct, the Rainbow Beach Open Space Corridor and the Rainbow Village Centre.
- A preliminary sewer design, which included a proposed coordination of the construction of the sewerage connection with the construction of the Rainbow Beach Sporting fields. St Agnes Catholic Parish have recently agreed to fund the construction of the required gravity sewer main extension in conjunction with the construction of the Rainbow Beach Sporting Field Precinct; and
- A detail survey of the site including all nearby services and infrastructure.

The pre-lodgement submission with the above attachments is included at Appendix D.

The pre-Planning Proposal meeting was held on 19 January 2021 and the minutes from this meeting are included at Appendix E.

A written response to these minutes is provided at Appendix F.

## 4 Preliminary consultation with relevant agencies

In addition to the consultation undertaken with Council and DPE set out above, preliminary consultation was undertaken with the Biodiversity Conservation Division (BCD) of DPE, Transport for New South Wales (TfNSW) and Busways Group:

1. BCD of the DPE (refer Appendix G)

By correspondence dated 25 March 2021, early advice was sought from the BCD with respect to the Biodiversity Assessment Report required to accompany the Planning Proposal.

The consultation included details of the need for the high school campus, preliminary biodiversity advice received from ecologists JB Enviro and a preliminary sketch master plan. A response has not as yet been received from BCD.

## 2. Transport for NSW (refer Appendix G)

By correspondence dated 25 March 2021 early advice was sought from TfNSW with respect to the Traffic Report required to accompany the Planning Proposal, as set out in the PMHC meeting minutes.

This consultation included details of the need for the high school campus, identification of key transport, access and parking issues.

A response from TfNSW was received by correspondence dated 23 April 2021 (refer Appendix G). The matters raised by TfNSW have been addressed in the Transport Planning and Traffic Engineering Report (refer Appendix I) and the Response to Pre-Lodgement Meeting and Stakeholder Consultation (refer Appendix F).

## 3. Busways Group (refer Appendix G)

The consultation with Busways was a recommendation in the response received from TfNSW. The consultation included a copy of the earlier consultation with TfNSW, the response received from TfNSW, a copy of the Concept Master Plan and the Roads and the Transport Plans (refer Appendix O). The Concept Master Plan and Transport Plans include details of bus, private vehicle, cyclist and pedestrian access to and from the site. A response has not as yet been received from Busways.

## 5 PMHC Planning Proposal Policy (as amended)

The Council's Planning Proposal Policy was amended on 20 April 2023 to be consistent with the DPE's Local Environmental Plan Making Guideline, as published at that time. It is noted that the DPE further updated the Local Environmental Plan Making Guideline in August 2023.

The Council's Planning Proposal Policy, on p.4 contains Figure 1 – Flowchart of Planning Proposal Application Process, which is reproduced overpage:

Figure 1: Flowchart of Planning Proposal Application Process

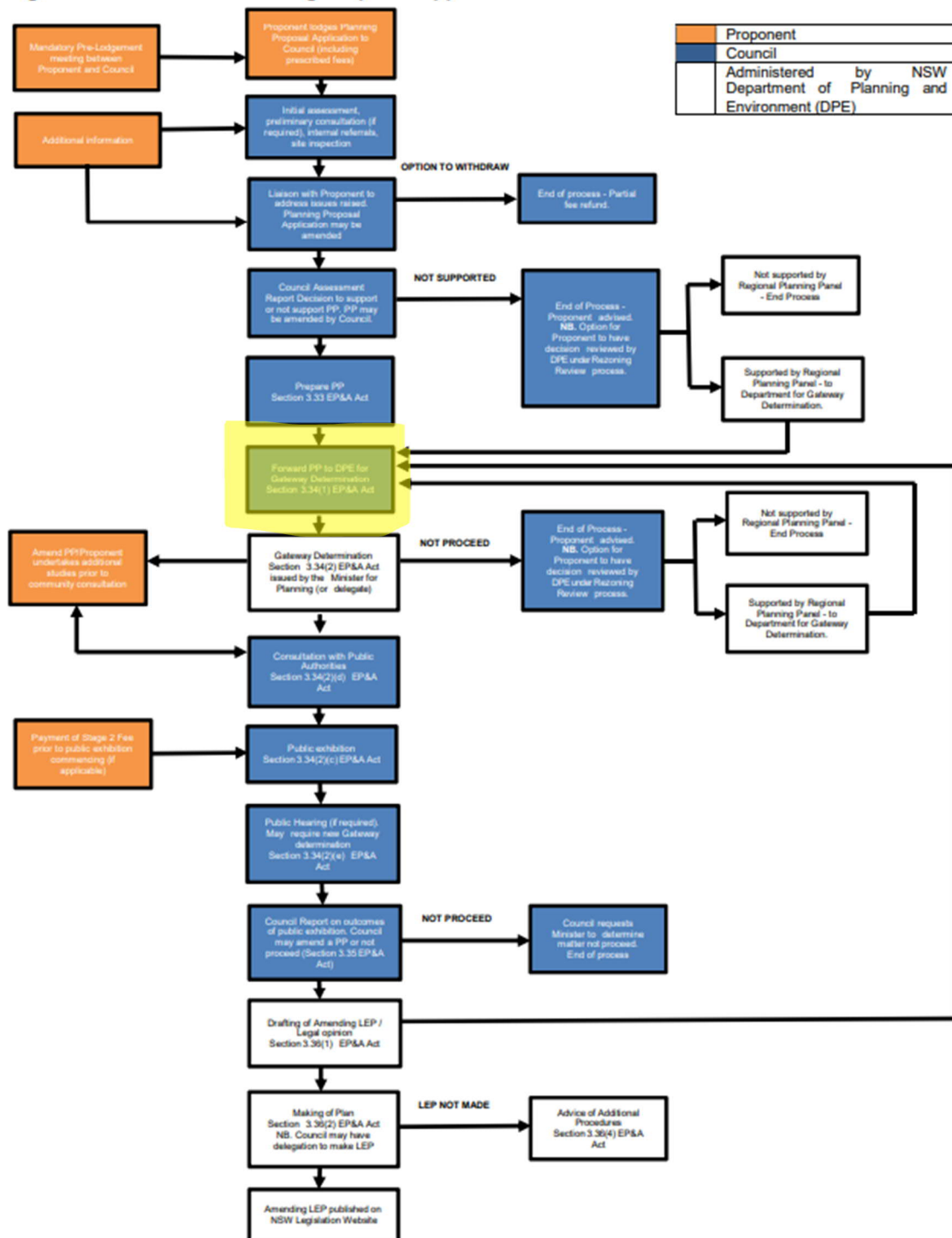


Figure 5 - Figure 1 from Council's Planning Proposal Policy (April 2023)

This Planning Proposal is at the yellow highlighted step in the Planning Proposal process, which is:

'Forward PP to DPE for Gateway Determination Section 3.34(1) EP&A Act'.

This version (Version 3) of the Planning Proposal has been updated for the purposes of Gateway Determination, as Version 2, as considered by Council, was prepared prior to a number of recent Policy



changes to State Environmental Planning Policies (SEPPs), Regional Planning Policies and local policies including the Council's Planning Proposal Policy.

Council unanimously resolved at its Ordinary Meeting of 14 December 2023 the following in respect to the Planning Proposal:

That Council:

1. Endorse the draft Planning Proposal (Attachment 1), to enable rezoning of land for a proposed education establishment at Bonny Hills prepared under section 3.33 of the Environmental Planning and Assessment Act 1979.
2. Forward the draft Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination under Section 3.34 of the Environmental Planning & Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.
3. Delegate authority to the Director Community, Planning and Environment to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.
4. Receive a report following the public exhibition period on any submissions received.

Further to the above resolution, Council via email dated 20 December 2023 has requested that the Planning Proposal document be updated in accordance with recent policy changes, including but not limited to SEPPs and the North Coast Regional Plan 2041 (NCRP 2041).

At this juncture in the process, there are no other requirements under the Council's Planning Proposal Policy that require addressing at this stage. Notwithstanding, the Planning Proposal document may require further updates following Gateway Determination, as the case maybe.

## 1.1 Objective

This objective will enable the Site to accommodate a proposed Catholic High School operated by St Agnes Catholic Parish, Port Macquarie that will help meet the growing demand upon educational facilities in the Port Macquarie-Hastings LGA, as identified in the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036 (PMH UGMS). A Concept Master plan of the proposed high school is provided in Figure 6 and detailed in Appendix B.



Figure 6 - Concept Masterplan for High School

## 1.2 Intended Outcomes

The intended outcomes of the Planning Proposal are:

1. To permit educational establishments on lands identified for investigation for use as a school in the PMH UGMS and located adjacent to the Lake Cathie/Bonny Hills Urban Release Area (LCBH URA).
2. To 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.
3. To facilitate the provision of high school educational facilities to LCBH URA and the Camden Haven region generally.
4. To ensure that the environmental constraints can be managed in a sustainable manner without limiting the development potential of both the site and the adjoining properties; and
5. To protect and preserve areas of high environmental value vegetation.

The location and context of the site do not support its continued zoning for Primary Production purposes. The site is immediately adjacent to the current and future residential communities of the LCBH URA and this Planning Proposal will result in a zoning that more appropriately reflects the existing urban context within which the site is located and will provide certainty for the local community with respect to future local educational facilities and the future development on the site.

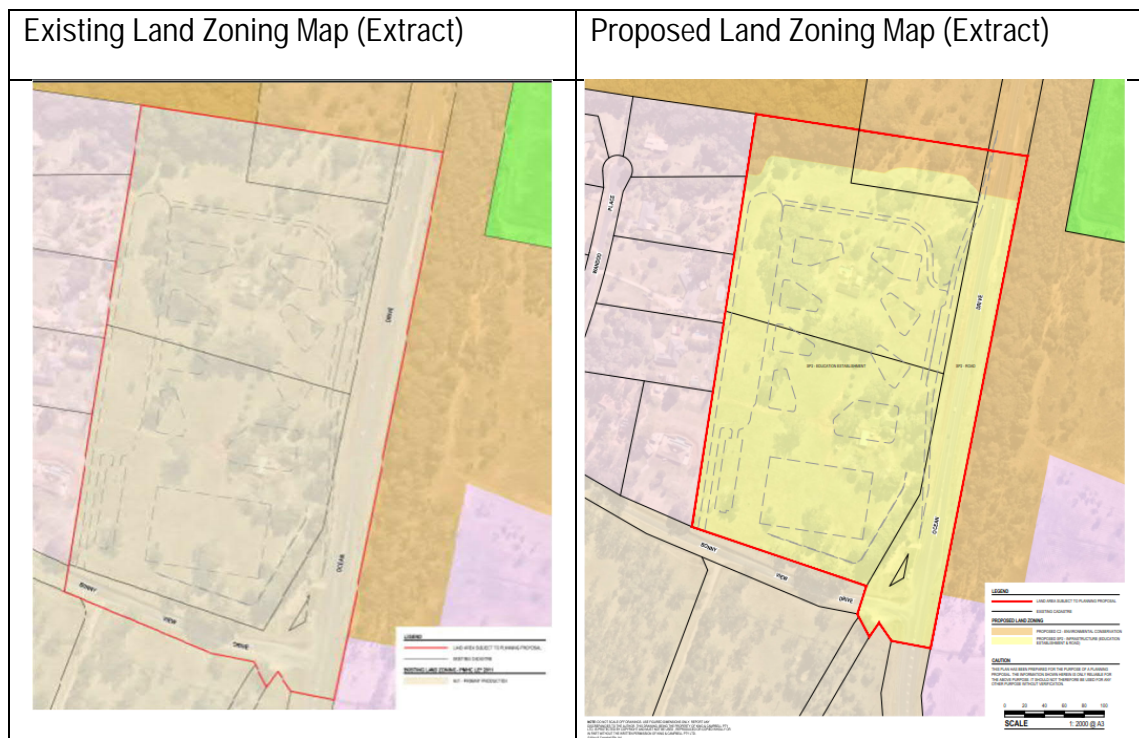
## PART 2 - Explanation of the Provisions

The intended outcomes will be achieved through making the following map amendment to the PMH LEP:

1. Amendment to the PMH LEP Land Zoning Map to change the zoning of the site from RU1 Primary Production to part SP2 Infrastructure (Educational Establishment) and part C2 Environmental Conservation. The zoning of the adjacent road reserve of Ocean Drive is to be amended from RU1 Primary Production to part SP2 Infrastructure (Road) and part C2 Environmental Conservation (refer Appendix A).

The proposed SP2 zone will provide certainty for the local community as to the future development of the site for a high school campus.

The proposed C2 zone for a minimum width of 30m adjacent to the northern property boundary will retain and protect the vegetation of high environmental value (HEV) and will link with the existing C2 zoned lands and Queens Lake State Conservation Area to the north.



Amendments to the Minimum Lot Size and Height of Building maps are not proposed with this Planning Proposal on the basis that these development standards do not typically apply to a school use (example St Joseph's Regional College at Thrumster). The photomontages at Appendix B illustrate that the indicative height, bulk and scale of the proposed two storey school buildings will not adversely impact the existing rural residential character of the immediate locality.

# PART 3 - Justification of Strategic & Site-Specific Merit

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## Strategic Merit:

### Section A - Need for the Planning Proposal

Question 1 – Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

This Planning Proposal has been prepared in the context of investigations undertaken pursuant to Action 17 of the PMH UGMS, which provides for the following:

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 PMH UGMS required that investigations of these two land areas should include consideration of an internal road that would link the subject site with the Houston Mitchell Drive Employment Lands (HMDEL) at the intersection of Ocean Drive with Houston Mitchell Drive. (Figure 40 of PMH UGMS 2017).

The HMDEL has since been rezoned to part IN2 Light Industrial and part C2 Environmental Conservation, with the gazettal of Map Amendment 1 on 30 June 2021. Consultation with Council's Natural Resources section and with DPE Biodiversity Conservation Division (BCD) during the rezoning process determined that a public road connection from the HMDEL to the subject northern boundary was not supported. The potential road would sever the land zoned C2 as part of the HMDEL, thereby reducing the effectiveness of the east-west habitat linkage between the Queens Lake Conservation Area and the fauna underpass at Ocean Drive. It was acknowledged that the removal of a public road connection between the HMDEL and the subject site significantly reduced the potential integration of the subject site and the HMDEL for future light industrial uses.

Additionally, the PMH UGMS requires the consideration of a buffer between any light industrial uses on the subject site and the existing large lot residential land use on the adjoining western properties. This requirement suggests that a potential light industrial use is likely not compatible with the existing adjoining land uses.

In the context of the rezoning of the HMDEL, preliminary investigations and consultation for the use of the subject site as a school were then undertaken. The site-specific investigations now attached to this Planning Proposal confirm that the site is well suited for a school use, noting:

- Existing schools within the LGA typically adjoin residential lands (including for example the large lot residential at Thrumster URA), with these land uses being found to be generally compatible.



- A school use will provide an opportunity to immediately reduce the current travel requirements of approximately 400 students in the LCBH URA and Camden Haven areas that attend Catholic high schools in the Port Macquarie locality. The school will cater for Years 7-12 with a student population of up to 1200 students.
- The establishment of the high school campus at the LCBH URA will reduce existing capacity pressure at the Port Macquarie Catholic High School campuses which are already at or near their limits.
- A school campus will be large enough to ensure that efficiencies in infrastructure and services can be maximised.
- A school campus will result in the creation of an additional 125 equivalent full-time teaching and support staff jobs. The education and training sector has been identified in the PMH UGMS as a key employment industry both now and in the future.
- A school campus will also provide an opportunity for jobs growth in the education and training sector within the LCBH URA, which is predicted to grow to a population of approximately 10,000 people by 2036, that will make it the second largest urban centre in the Port Macquarie-Hastings LGA to the Port Macquarie township.

Additionally, this Planning Proposal is consistent with the Key Themes, Strategic Planning Principles and Planning Priorities of the Local Strategic Planning Statement 2020 (LSPS). The LSPS for Council was endorsed at the Council meeting of 29 September 2020 and outlines the vision for land-use planning within the Port Macquarie-Hastings LGA over the next 20 years. With respect to planning proposals, the LSPS will be used by Council to:

“...assess planning proposals as part of the strategic merit test (as outlined in NSW Department of Planning Industry & Environment guidelines for preparing planning proposals and local environmental plans).”

A detailed summary of consistency with the LSPS is set out below at Question 4 of this Planning Proposal.

Question 2 – Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The existing RU1 Primary Production zone is considered inappropriate having regard to the urban context of the site and the urban growth currently underway within the LCBH URA.

This Planning Proposal is consistent with Action 17 of the PMH UGMS and the attached site-specific specialist investigations support the use of the land for school purposes. This Planning Proposal will allow appropriate development that will manage environmental hazards and the site is capable of connection to existing water and sewerage services without significant costs.

The proposed map amendments to the PMH LEP (refer Appendix A) can also be supported by appropriate amendments to the Port Macquarie-Hastings Development Control Plan 2013 (PMH DCP) (refer Appendix Q).

Nevertheless, a Planning Proposal is the only means of achieving the objectives and intended outcomes, as educational establishments (schools) are not permitted within the RU1 Primary Production zone. Therefore, a change of zoning or an amendment to Schedule 1 Additional Permitted uses of the PMH LEP is required to achieve the intended outcomes. The change of zoning as sought by this Planning Proposal will allow the use of the site in the future to accommodate a High School; and the proposed part C2 Environmental Conservation to the north of the site will enhance the environmental protection and provide an area for biodiversity offsets.

An amendment to Schedule 1 of the PMH LEP would be limited to accommodating a future school and would not afford the environmental protections that the part C2 Environmental Conservation would provide.

As such the proposed changes to the PMH LEP as outlined in Part 2 of this Planning Proposal are considered the best and only means of achieving the intended outcomes as detailed in Part 1.

## Section B – Relationship to the strategic planning framework

Question 3 – Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any draft plans or strategies)?

### North Coast Regional Plan 2041

The North Coast Regional Plan 2041 (NCRP 2041) is the relevant regional plan applying to the Port Macquarie-Hastings LGA and therefore, LCBH URA. The NCRP 2041 sets a 20-year strategic land use planning framework for the north coast region and was published by the Department of Planning and Environment in December 2022. The NCRP 2041 aims to protect and enhance the north coast region's assets and plan for a sustainable future by providing an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions at a regional, subregional and local level.

The NCRP 2041 is structured with overarching Goals containing several Objectives to achieve the Goals. These Goals and Objectives are address in Error! Reference source not found.:

Table 2 - North Coast Regional Plan 2041 Goals and Objectives

| Goal 1 – Liveable, sustainable and resilient                |  |
|---|--|
| Objective   | Comment  |
| Objective 1 – Provide well and located homes to meet demand | <p>This objective discusses matters that Council's should consider when preparing housing strategies and/or planning proposals for their LGA.</p> <p>As outlined in the commentary to Question 1 of this Part, this Planning Proposal has been prepared as a result of PMH UGMS. This Planning Proposal does not reduce any land identified under the PMH UGMS for housing.</p> <p>As the Planning Proposal's intent is to enable the Site to be used for a future High School, the sought use of land provides an essential service within the LCBH URA in the form of an educational establishment. The future school will provide</p> |

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|  | support to the growing population of the LCBH URA, which is currently reliant of such services provided in Port Macquarie and Thrumster.   |
| Objective 2 – Provide for more affordable and low cost housing   | This objective discusses how Council's, through policy framework and strategies can help provide more affordable and low cost housing in the North Coast region. The Site, the subject of this Planning Proposal is not identified as a potential site for affordable housing and incentive provisions. Nevertheless, the intended use of the Site as school will support housing in the LCBH URA.   |
| Objective 3 – Protect regional biodiversity and areas of high environmental value                      | <p>Although the site under the PMH UGMS (Figure 11b) maps the remnant vegetation community in the northwest corner as High Environmental Value (HEV), the pBDAR (Appendix H) assessed this vegetation against the North Coast Regional Plan 2036 (at that time) criteria and found that the vegetation does not meet the criteria for HEV.</p> <p>Therefore, the Planning proposal will not result in the removal of any environmentally sensitive areas and is therefore consistent with this Objective. Further, the Planning Proposal includes the part rezoning of land to the north of the suite as C2 Environmental Conservation, that will form part of the BOS.</p>  |
| Objective 4 – Understand, celebrate and integrate Aboriginal culture                                   | <p>This Objective discusses how council's can prepare cultural heritage mapping with an accompanying Aboriginal cultural management plan in collaboration with Aboriginal communities to protect culturally important sites. This Objective also discusses the prioritization of applying dual names in local Aboriginal language to important places, features or infrastructure in collaboration with local Aboriginal communities.</p> <p>Supporting this Planning Proposal is the following assessment report:</p> <p>Aboriginal Due Diligence Assessment Report, Heritage Now, 6 October 2021. (Appendix L)</p> <p>The assessment report was written in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010b). This report is addressed in detail under Section C, Question 9 of this Planning Proposal.</p>   |
| Objective 5 – Manage and improve resilience to shocks and stresses, natural hazards and climate change | <p>This objective aims to ensure that when strategic plans are prepared, Council's should be consistent with and adopt the principles outlined in the Strategic Guide to Planning for Natural Hazards, as published by the DPE in December 2021. Bushfire, flooding, coastal hazards and acid sulfate soils are all addressed in detail in the body of this Planning Proposal.</p> <p>Other strategies under this objective are to:</p> <ul style="list-style-type: none"> <li>• Update land use strategies where risks are known in consultation with Local emergency Management Committees;</li> <li>• Use local strategic plans to adapt to climate change and reduce exposure to natural hazards,</li> <li>• Create resilience and adaptation plans; and</li> <li>• Partner with local Aboriginal communities to develop land management agreements and to support cultural management practices.</li> </ul> <p>The Site has been identified as a suitable location for a school in the PMH UGMS, which has considered the various hazards and risks identified by this objective.</p> |



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|   | Further, this Planning Proposal demonstrates the suitability of the site for a school and the need for such a facility in the LCBH UGA.  |
| Objective 6 – Create a circular economy   | This objective aims to create a circular economy for disposal and/or reuse of waste products. The Planning Proposal in itself will not create any waste, however, subsequent development of the land will need to be carried out in accordance with the current best practices and requirements of any development consent for school issued by the Council.   |
| Objective 7 – Promote renewable energy opportunities  | This objective aims to promote renewable energy opportunities. Should the Planning Proposal be approved and a subsequent development application approved for a school, there will be opportunity for new buildings to harness solar energy. It is to be noted that energy supply is beyond the purview of a Planning Proposal and any such promotion of solar energy is the result of State and Federal Government incentives to be taken up by the St Agnes Catholic Parish, Port Macquarie.   |
| Objective 8 – Support the productivity of agricultural land   | <p>This objective aims to protect and enhance agricultural land and production. The Planning Proposal will not result in the reduction of any agriculturally productive land. The Planning Proposal seeks to rezone RU1 Primary Production zoned land to SP2 Infrastructure (Educational Establishment) zoned land. The Site is not used for any agricultural pursuits. The Stage 1 Site Contamination Assessment at Appendix K confirms that the site does not have a land use history associated with traditional agriculture or primary production purposes.</p> <p>Further, due to the Site's proximity to the LCBH UGA, the pursuit of primary production on the land would create land use conflicts with current and future neighbouring residential development.</p> |
| Objective 9 – Sustainably manage and conserve water resources                                       | <p>This objective aims to protect and improve the Region's water supply through reducing impacts on water quality, freshwater flows and ecological function from land use change.</p> <p>The Site the subject of this Planning Proposal is not located within a Riparian corridor. Future development on the Site for a school, should the Planning Proposal be supported, will need to be constructed in accordance with current water sensitive urban design practices for stormwater.</p>   |
| Objective 10 – Sustainably manage the productivity or our natural resources                         | The Site is not identified as having value in terms of agriculture, mining, or forestry. The Site's highest and best use has been identified in recent local planning strategies as being suitable for a school.   |
| <b>Goal 2 – Productive and connected</b>  |  |
| <b>Objective</b>  | <b>Comment</b>   |
| Objective 11 – Support cities and centres and coordinate the supply of well-located employment land | <p>The aim of this objective is to support and reinforce cities and town centres in the North Coast region as well as ensuring other employment lands are also maintained and managed through strategic planning processes. Another goal is to protect the unique character of some town centres that have heritage and/or tourism value.</p> <p>The Planning Proposal does not create any adverse impact on the LCBH UGA and their town centres. The Site, as discussed in the body of this Planning Proposal, is identified in the most up to date local planning strategies for the Port Macquarie-Hastings LGA, as suitable for a school.</p>  |
| Objective 12 – Create a diverse   | This objective states that Council's strategic planning and local plans should consider opportunities to enhance the amenity, vibrancy and safety of centres and   |

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| visitor economy  | <p>township precincts as well as create green and open spaces that are accessible and well connected amongst other things to promote tourism.</p> <p>The Planning Proposal does not have any adverse impact upon the tourism economy of Port Macquarie-Hastings LGA.</p>  |
| Objective 13 – Champion Aboriginal self determination  | The Site is not subject to any aboriginal land claims.  |
| Objective 14 – Deliver new industries of the future    | <p>The strategies resulting from this objective are to:</p> <ul style="list-style-type: none"> <li>Facilitate agribusiness employment and income-generating opportunities through the regular review of council planning and development controls, including suitable locations for intensive agriculture and agribusiness; and</li> <li>Protect established agriculture clusters and identify expansion opportunities in local plans that avoid land use conflicts, particularly with residential and rural residential land uses.</li> </ul> <p>The Planning Proposal will not reduce or result in the reduction of any agribusiness or related income generating activities.</p> |
| Objective 15 – improve state and regional connectivity | <p>The aim of this objective is to protect proposed and existing transport infrastructure and corridors to ensure network opportunities are not sterilised by incompatible land uses or land fragmentation. Much of this objective discusses regional (State) transport corridors and infrastructure. This Planning Proposal will not sterilise or conflict with any regional transport corridors.</p> <p>Comments regarding traffic are included within the Traffic Impact Assessment, Appendix I and discussed in detail within Section D, Item 11.4 of this Planning Proposal.</p>   |
| Objective 16 – Increase active public transport usage  | <p>The aim of this objective is to encourage active and public transport use and reduce the reliance on private car usage.</p> <p>Any subsequent school on the Site resulting from the Planning Proposal will need to cater for, in its design, both active and public transport links. Comments regarding traffic and transport are included within the Traffic Impact Assessment Report, Appendix I and discussed in detail within Section D, Item 11.4 of this Planning Proposal.</p>  |
| Objective 17 – Utilise new transport technology        | <p>The main strategy identified by this objective is for Councils to consider how new transport technology can be supported in local strategic plans, where appropriate.</p> <p>In terms of this Planning Proposal, consideration of such technologies will need to be undertaken at the detailed design stage of the subsequent school development, should this Planning Proposal be supported.</p>  |
| <b>Goal 3 – Growth Change and Opportunity</b>          |   |
| <b>Objective</b>                                       | <b>Comment</b>  |
| Objective 18 – Plan for sustainable communities        | <p>This objective outlines the aims and strategies for councils to follow when creating local land use planning strategies and statements that identify the location of future settlement and implement Regional City Action Plans (RCAPs).</p> <p>The Site is located outside the RCAP for Port Macquarie as detailed on pages 67</p>  |

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|   | <p>and 68 of the NCRP 2041.</p> <p>Nevertheless, as detailed in Question 1, Section A of this Part of the Planning Proposal, this Planning Proposal results from local planning strategies for Port Macquarie-Hastings LGA, namely the PMH UGMS and for the purposes of this objective, is considered consistent as detailed throughout the body of this Planning Proposal.</p>   |
| <p>Objective 19 – Public spaces and green infrastructure support connected and healthy communities</p>                                      | <p>The aim of this objective is ensure that when Council's are creating local land use strategies and statements, that they take into consideration planning for both public and open spaces for the enjoyment of current and future communities.</p> <p>The Planning Proposal does not reduce any land identified for public space, green infrastructure or sporting facilities. Nevertheless, the intended use of the land is for the purpose of a school. School are generally associated with active green space to enable health and active education needs. The Site is well located in proximity to the recently completed (August 2023) Rainbow Beach Sporting fields as discussed in the body of this Planning Proposal.</p>   |
| <p>Objective 20 – Celebrate local character</p> <ul style="list-style-type: none"> <li>Port Macquarie-Hastings (Local Narrative)</li> </ul> | <p>This objective contains the following strategies:</p> <ul style="list-style-type: none"> <li>Ensure strategic planning and local plans recognise and enhance local character through use of local character statements in local plans and in accordance with the NSW Government's Local Character and Place Guideline.</li> <li>Celebrate buildings of local heritage significance by:             <ul style="list-style-type: none"> <li>retaining the existing use where possible</li> <li>establishing a common understanding of appropriate reuses</li> <li>exploring history and significance</li> <li>considering temporary uses</li> <li>designing for future change of use options.</li> </ul> </li> </ul> <p>And provides a Narrative for each LGA in the North Coast Regional Strategy. For the purposes of this Planning Proposal, Port Macquarie-Hastings LGA will be the focus Narrative.</p> <p>This Planning Proposal fits within the Port Macquarie-Hastings LGA Narrative for 'Productive and Connected' as one of the goals is to:</p> <ul style="list-style-type: none"> <li>Forster industry excellence, innovation and economic development opportunities in the LGA's key health and education anchor industries.</li> </ul> <p>As discussed in Section C, Items 10.1.1 and 10.1.2 of this Planning Proposal, the St Agnes Parish is a significant contributor to the education industry within the Port Macquarie-Hastings LGA, that now caters for over 4,000 students. Section C discusses the contribution of the Sta Agnes Parish and the need for school facility in the LCBH UGA, which is consistent with the Port Macquarie-Hastings LGA Narrative.</p> |

#### Question 4 Is the Planning Proposal consistent with Council's adopted and endorsed Local Strategic Planning Statement and Local Housing Strategy?

The Local Strategic Planning Statement (LSPS) for Port Macquarie-Hastings LGA, was endorsed by Council on 29 September 2020 and outlines the vision for land-use planning within the LGA over the next 20 years. With respect to planning proposals, this Policy will be used by Council to assess planning proposals as part of the strategic merit test (as outlined in NSW Department of Planning Industry & Environment guidelines for preparing planning proposals and local environmental plans).

To achieve the strategic planning visions several planning priorities have been established. This Planning Proposal is consistent with the Key Themes, Strategic Planning Principles and Planning Priorities of the LSPS as follows:

##### Our Environment

- This Planning Proposal identifies and protects areas of high environmental value on the subject site.
- This Planning Proposal will promote sustainable growth by co-locating essential education facilities with the second fastest growing urban centre in the Port Macquarie-Hastings LGA. This will reduce the reliance of the existing and future populations of LCBH URA and the Camden Haven localities on Port Macquarie/Thrumster for those essential services by providing them locally to future residents.
- The ultimate design of the campus will identify and respond to risks of natural hazards particularly bushfire hazard.
- This Planning Proposal will ensure that the appropriate stormwater quality and quantity measures form an integral part of the campus design, to ensure protection of existing downstream waterways; and
- Fundamental to the design of the campus will be the efficient management of energy and water and the minimisation of waste. Additionally, the reduction in both the existing travel times for 400 current students and the future high school student population of LCBH URA provides a more sustainable energy efficient option to the current reliance on Port Macquarie campuses.

##### Our Places

- The inclusion of a well-connected high school campus to the LCBH URA supports the place-based approach in the development of the URA into a well-serviced Coastal Village.
- The Preliminary Master Plan provides detail of the conceptual connections to the Rainbow Beach Playing Fields, Village Centre and Open Space Corridor.

It is intended to design the campus to enhance community well-being through the promotion of safe pedestrian and cycle linkages to approved share way networks and public places. The high school campus is expected to ultimately include facilities such as an indoor multi-purpose centre, a performing arts centre and playing fields, which are potentially also of benefit to the broader community well-being.

- The proposed high school campus is consistent with the size and scale of the Lake Cathie and Bonny Hills (LCBH) coastal village that has been Master Planned by Council since the early 2000s; and
- This Planning Proposal and the future design of the campus will seek to embrace and protect the existing natural and cultural heritage of the site and locality. The Planning Proposal includes cultural heritage and biodiversity assessments to ensure compliance with this Planning Priority.

#### Our Connections

- The proposed high school campus and its connections to the surrounding community are to be designed to promote the safe and convenient movement of the local community between residential, commercial, community and recreational facilities and the school.
- The location and design of the school campus is proposed to reduce existing travel times of high school students attending catholic high schools and minimise and promote multi-modal access for pedestrians, cyclists, buses and private vehicles; and
- The proposed share way connections outlined in the Concept Master Plan (Appendix B) and the Transport Plans (Appendix O) are designed to link the campus with key recreational, community, commercial and residential destinations.

#### Our Economy

- The establishment of the LCBH high school campus will assist in the promotion and development of the vitality, resilience and economic well-being of the LCBH coastal village while also building capacity in Port Macquarie as a regional centre by reducing congestion associated with school drop off and pick-up times.

#### Enabled by Infrastructure

- The subject site can be serviced by existing downstream reticulated sewerage infrastructure within the Rainbow Beach Estate, which has been designed with sufficient capacity for that purpose. The construction of the sewerage connection is currently being coordinated with the construction of the Rainbow Beach playing fields.
- Services search has confirmed the existing water supply infrastructure in Ocean Drive (300mm) and Bonny View Drive (150mm). Appendix C includes a detail survey of the subject property and surrounding road reserves showing the location of the existing watermain; and
- The Traffic & Transport Assessment undertaken as part of the Planning Proposal (refer Appendix I) has identified road and pedestrian infrastructure improvements required to be implemented in conjunction with the development of the proposed campus.

Question 5 Is the Planning Proposal consistent with any other applicable State and Regional studies or strategies?

### Future Transport Strategy 2056

The Future Transport Strategy 2056 (the Strategy 2056) focuses on the future of mobility in the State and identifies six (6) guiding principles that aim to:

“...positively impact the economy, communities and environment of NSW.”

Generally, through these principles the Strategy 2056 provides a high-level strategic guide for state-wide transport planning.

The principles are supported by vision statements and this Planning Proposal will facilitate future development that is consistent with the principles and their visions in the following manner:

| Principle and vision   | Comments   |
|--|--|
| <p>1. Customer focussed</p> <p>Vision: Customers' experiences and their end-to-end journeys are seamless, interactive and personalised, supported by technology and data.</p>            | <p>The fundamental transport elements to be provided as part of the future school use are customer focussed and will support:</p> <ul style="list-style-type: none"> <li>- Pedestrian and cycle use through the proposed network of paths and cycleways that will link with a new underpass; and</li> <li>- A separation of cars, buses, cyclists and pedestrians use, thereby reducing conflict and ensuring safety for all users</li> </ul>  |
| <p>2. Successful places</p> <p>Vision: The liveability, amenity and economic success of communities and places are enhanced by transport.</p>  | <p>The fundamental transport elements will ensure the seamless integration of places of residence with the school, satisfying the liveability and amenity success of the neighbourhood and broader school catchment.</p>   |
| <p>3. A strong economy</p> <p>Vision: In 2056, the transport system powers NSW's \$1.3 trillion economy and enables economic activity across the State.</p>                              | <p>A successful and liveable community is supported by easy and safe access to schools, which in turn will support a strong economy.</p> <p>Economic activity in the LCBH URA will be supported by the creation of 125 full time jobs at the proposed high school campus.</p>  |
| <p>4. Safety and performance</p> <p>Vision: Every customer enjoys safe travel, regardless of transport mode or location, across a high performing, integrated and efficient network.</p> | <p>As with point 1 above, the fundamental transport elements to be provided as part of the future school use have been developed to ensure safe and efficient access for all school users, including:</p> <ul style="list-style-type: none"> <li>- A network of paths and cycleways that will link with a new underpass on Ocean Drive.</li> <li>- Separate school bus pick up and drop off adjacent to Ocean Drive; and</li> <li>- Reduced congestion through a separation of cars, buses, cyclists and pedestrians use.</li> </ul> |
| <p>5. Accessible services</p> <p>Vision: Transport enables everyone to get the most out of life, wherever they live and whatever their age, ability or personal circumstances.</p>       | <p>The transport options to be provided as part of the future school use will enable accessible and safe access for all users</p>  |

| Principle and vision   | Comments  |
|--|---|
| <p>6. Sustainability</p> <p>Vision: The transport system is economically, environmentally and socially sustainable, operationally resilient, affordable for customers and supports emissions reductions.</p> | <p>The transport options to be provided as part of the future school use will encourage pedestrian and cycle usage, separate access for school buses and supporting sustainability and affordability.</p> |

### Net Zero Plan Stage 1: 2020–2030

The Net Zero Plan Stage 1: 2020–2030 (the Plan) identifies 4 priorities to be achieved over the next decade. This Planning Proposal will support the Government's objective for Priority 2 - empower consumers and businesses to make sustainable choices, through ensuring that school users are provided with local safe and accessible options for travel between their home and their school. This Planning Proposal is supported by fundamental transport elements, including:

- A network of paths and cycleways that will link with a new underpass of Ocean Drive.
- Dedicated separate school bus pick up and drop off adjacent to Ocean Drive; and
- A separation of cars, buses, cyclists and pedestrians use to reduce congestion and potential conflicts.

### State Infrastructure Strategy 2018-2038

The State Infrastructure Strategy 2018-2038 (the Strategy 2018-2038) provides high-level strategic directions for state-wide infrastructure planning. The Strategy 2018-2038 also recognises the need to combine infrastructure planning with the delivery of Regional Plans across NSW.

With respect to regional NSW, the Strategy 2018-2038 recognises that the regional areas need to be supported by good transport links that can encourage investment for basic services in regional areas, which includes education.

For regional NSW, the Government has set a new vision for a 'hub and spoke' model, designed to provide equitable, better and more efficient services to communities across the state through a connected network of regional centres (p.9)

This Planning Proposal provides an opportunity to support the hub and spoke model through delivering transport elements as part of the proposed future high school campus that provide for ease of movement between home and school in a safe, efficient and sustainable manner.

### A 20 Year Economic Vision for Regional NSW

The 20 Year Economic Vision for Regional NSW (the Economic Vision) draws on the work undertaken within the Future Transport 2056 Strategy, the State Infrastructure Strategy 2018-2038 and the North Coast Regional Plan 2036. The Lake Cathie Bonny Hills URA is situated within the Hastings-Macleay functional economic region (p.6), which is recognised as a growth centre and characterised by



population growth of 1.0% p.a (p.8).

The Economic Vision confirms that one of its goals for people living in the regional areas is to:

“... have access to high-quality education.” (p.28).

The intended outcomes of this Planning Proposal are consistent with the Economic Vision for the coastal area of Lake Cathie Bonny Hills URS through:

“... permitting an educational establishment on lands located adjacent to the Lake Cathie/Bonny Hills Urban Release Area and identified for investigation for use as a school in the Port Macquarie-Hastings Urban Growth Management Strategy 2017-2036” (refer Part 1 of this Planning Proposal).

#### Question 6 Is the Planning Proposal Consistent with Applicable SEPPs?

An assessment of consistency with State Environmental Planning Policies (SEPPs) of relevance is provided as follows:

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| SEPP (Housing) 2021   | The intent of this SEPP is to deliver a sufficient supply of safe, diverse and affordable housing<br><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714</a> |
| <p>Assessment – Consistent</p> <p>The principles of this Policy are:</p> <ul style="list-style-type: none"> <li>(a) enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>(c) ensuring new housing development provides residents with a reasonable level of amenity,</li> <li>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</li> <li>(e) minimising adverse climate and environmental impacts of new housing development,</li> <li>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</li> <li>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</li> <li>(h) mitigating the loss of existing affordable rental housing.</li> </ul> <p>The Planning Proposal is considered consistent with this Policy as it does not seek to reduce the availability of residential land in the Lake Cathie/Bonny Hills locality. A future High School on the land will support housing growth by providing essentially education facilities close to housing growth areas in the LCBH URA, reducing the need for students travel to Port Macquarie, Thrumster and West Haven.</p> |  |

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| SEPP (Transport and Infrastructure) 2021   | The intent of this SEPP is to provide well-designed and located transport and infrastructure integrated with land use<br><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732</a> |
| <p>Assessment – Consistent</p> <p>The key intentions of this SEPP include:</p> <ul style="list-style-type: none"> <li>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and</li> </ul> |  |



- (b) the provision of services, and
- (c) providing greater flexibility in the location of infrastructure and service facilities, and
- (d) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (e) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (f) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (g) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

## Chapter 2 – Infrastructure, Division 17 Roads and Traffic

The site has frontage to a classified road (Ocean Drive) and consideration under Clauses 2.119, 2.120 and 2.122 is required.

A development-specific Traffic Engineering Report accompanies this Planning Proposal at Appendix I. As access to the site will be via a road other than the classified road, the safety, efficiency and ongoing operation of Ocean Drive will not be adversely affected by the development. This assessment concludes that a future school use can be accommodated in the surrounding road network and the proposal is therefore compliant with Clause 2.119.

A development-specific noise assessment accompanies this Planning Proposal at Appendix J in relation to potential traffic noise. This assessment has confirmed that the future school use will not be adversely affected by road noise and accordingly, the proposal is compliant with Clause 2.120.

In regard to Clause 2.122, the subsequent Development Application will be considered Traffic Generating Development as it will exceed the peak hour volumes for “Any other purpose” in column 1 of Schedule 3 of the Policy. Therefore, any future development application for an educational establishment catering for 1200 students will require consultation with TfNSW.

## Chapter 3 Educational establishments and childcare facilities.

The existing RU1 Primary Production zone is not identified as a prescribed zone under Clause 3.34 this Policy and therefore development for the purpose of a new school is currently not permitted. Upon the rezoning of the site to SP2, an educational establishment will be permitted with consent (clause 3.36) and any Development Application for such will be required to address this Policy.

The future SP2 zone is consistent with Action 17 of the PMH UGMS, to investigate the capacity of land at the intersection of Ocean Drive with Bonny View Drive for light industrial development or for use as a school and the specialist studies accompanying this submission confirm that the site is suitable for the purposes of a school. Therefore, the Planning Proposal is not inconsistent with the provisions of this Chapter.

### SEPP (Primary Production)

The intent of this SEPP is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729>

Assessment – Consistent

The key aims of this SEPP are:

- (a) to facilitate the orderly economic use and development of lands for primary production,
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) to encourage sustainable agriculture, including sustainable aquaculture,
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

The site is currently zoned RU1 Primary Production; however, it is not identified as regionally significant farmland and has limited primary production value due to its size and location. Further, due to the sites proximity to residential and rural residential development, any use of the land for primary production would likely result in land use conflicts.

The Stage 1 Site Contamination Assessment at Appendix K confirms that the site does not have a land use history associated with traditional agriculture or primary production purposes.

Therefore, the Planning Proposal is not considered inconsistent with this Policy as there will be no loss of land current used as primary production.

SEPP (Biodiversity and Conservation) 2021

The intent of this SEPP is to preserve, conserve and manage NSW's natural environment & heritage

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722>

Assessment – Consistent

The aims of this SEPP are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. It is noted that 2.3(1)(b) of the SEPP identifies land within the R3 Medium Density Residential zone as land to which the SEPP applies.

Chapter 2 Vegetation in non-rural areas

This Chapter does not apply to the Port Macquarie-Hastings LGA.

Chapter 3 Koala Habitat protection 2020

Clause 3.3 of this Policy identifies that this Chapter applies to the land as it is currently zoned RU1 – Primary Production. This chapter requires a consent authority to consider whether land is potential koala habitat before granting development consent (Step 1). Clause 3.7 of this Policy then requires Council to identify if the Land is core Koala habitat, if Step 1 identified the land as potential Koala Habitat. Clause 3.8 of this Policy states that a Koala Plan of Management (Step 3) must be prepared for land that is considered core Koala habitat before consent can be granted for development.

A provisional Biodiversity Development Assessment Report (pBDAR) accompanies this Planning Proposal at Appendix H. The pBDAR identified that the Site was potential Koala Habitat, but could not find evidence to establish that it was core Koala habitat. The pBDAR is discussed in detail in Question 8 of Section C of this Planning Proposal and concludes that the Site is suitable for a school and that a BOS can be established as part of any future development for the school.

Notwithstanding, this Chapter only applies to the land while it remains RU1 Primary Production. Should the Planning

Proposal be supported and the land subsequently rezoned to part SP2 Infrastructure (Educational Establishment) and part C2 Environmental Conservation, then Chapter 4 of this Policy will apply. Chapter 4 is discussed below.

#### Chapter 4 Koala Habitat protection 2021

This chapter currently does not apply to the land as it is zoned RU1 Primary Production (Clause 4.4). However, this Planning Proposal seeks to rezone the land to part SP2 Infrastructure (Educational Establishment) and part C2 Environmental Conservation. Should the Planning Proposal be supported and the land subsequently rezoned, this Chapter will then apply to any proposed development of the land. Clause 4.9(1) of this Chapter identifies that the land, once rezoned, will require subclauses (2) to (6) to apply to any assessment of a proposed school as follows:

- (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.
- (3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.
- (4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.
- (5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—
  - (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—
    - (i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or
    - (ii) is not core koala habitat, or
  - (b) information the council is satisfied demonstrates that the land subject of the development application—
    - (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or
    - (ii) includes only horticultural or agricultural plantations.
- (6) In this section—
 

koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.

A provisional Biodiversity Development Assessment Report (pBDAR) accompanies this Planning Proposal at Appendix H. The pBDAR identified that the Site was potential Koala Habitat, but could not find evidence to establish that it was core Koala habitat. The pBDAR is discussed in detail in Question 8 of Section C of this Planning Proposal and concludes that the Site is suitable for a school and that a BOS can be established as part of any future development for the school.

Notwithstanding, a future development application for a school on the Site will need to address the provisions of this Chapter of the Policy and demonstrate that the is not core Koala habitat at that time.

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| SEPP (Resilience and Hazards) 2021  | <p>The intent of this SEPP is to manage risks and building resilience in the face of hazards</p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730</a></p> |
| <p>Assessment – Consistent</p> <p>Chapter 2 Coastal Management</p> <p>This Chapter of the Policy does not apply to the Site as it is not located within the coastal zone (Clause 2.3)</p> <p>Chapter 3 Hazardous and offensive development</p> <p>The intended use of the land for the purposes of a school is not identified as potentially hazardous or offensive development under the provisions of this Chapter.</p> <p>Chapter 4 Remediation of Land</p> <p>A Stage 1 Site Contamination Assessment prepared in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Land (2020) accompanies this submission at Appendix I.</p> <p>This assessment concludes that:</p> <p style="padding-left: 40px;">Based on the results obtained in this investigation the site is considered likely to be suitable for the proposed secondary school land use with regard to the presence of soil contamination provided the recommendations and advice of this report are adopted, including the Stage 2 Site Contamination Assessment, and demolition and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements. (p.16).</p> |   |

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| SEPP (Planning Systems) 2021   | <p>The intent of this SEPP is to provide a strategic and inclusive planning system for the community &amp; the environment:</p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724</a></p> |
| <p>Assessment – Consistent</p> <p>The provisions of this SEPP address State significant development and land owned by an Aboriginal Land Council and are therefore not relevant to this Planning Proposal.</p> |  |

## Question 7 Is the Planning Proposal Consistent with Applicable s9.1 Ministerial Directions?

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| Focus Area 1 - Planning Systems   | The intent of this Focus Area is to support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt. |
| 1.1 Implementation of Regional Plans  |   |
| <p>Assessment – Consistent</p> <p>Objective</p> <p>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>Application</p> <p>This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan have been released by the Minister for Planning.</p> <p>Direction 1.1</p> <p>(1) Planning proposal must be consistent with a Regional Plan released by the Minister for Planning</p> <p>The relevant Regional Plan released by the Minister applying to the Port Macquarie-Hastings LGA and the site is the North Coast Regional Plan 2041. The Planning Proposal's consistency with this Direction is detailed in Question 3, Section B of this Part of this Planning Proposal.</p> |   |
| 1.2 Development of Aboriginal Land Council land   |   |
| <p>Assessment – Consistent</p> <p>The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</p> <p>The Planning Proposal is considered consistent with this Direction because no Aboriginal Land Council land is involved. Further, the provisions of SEPP (Planning Systems) 2021 are addressed in Question 6, Section B of this Part of this Planning Proposal.</p>  |   |
| 1.3 Approval and Referral Requirements  |   |
| <p>Assessment – Consistent</p> <p>Objective</p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of</p>   |   |

development.

#### Application

This direction applies to all relevant planning authorities when preparing a planning proposal.

#### Direction 1.3

- (1) A planning proposal to which this direction applies must:
- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
  - (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
    - i. the appropriate Minister or public authority, and
    - ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and
  - (c) not identify development as designated development unless the relevant planning authority:
    - i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and
    - ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

This Planning Proposal is considered consistent with this Direction as it does not propose any additional provisions over and above the provisions already contained in the PMH LEP that would require development applications to seek concurrence, consultation or referral to a Minister or public authority. Further, the Planning Proposal does not seek to declare any development as designated development in the PMH LEP.

#### 1.4 Site Specific Provisions

##### Assessment – Consistent

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.

The proposal is consistent with this direction as the land will be rezoned to a zone that will permit the development of an educational establishment, where this use is compatible with the existing adjoining urban development. Restrictive development controls have not been nominated.

#### 1.5 – 1.22 – Planning Systems Place Based

##### Assessment – Not Applicable to Port Macquarie-Hastings LGA

#### Focus Area 2 - Design & Place

The intent of this Focus Area is to establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.

NB: This Focus Area is not included in the current Ministerial Directions.

#### Focus Area 3 - Biodiversity &

The intent of this Focus Area is to recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage.



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| Conservation   | They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets. |
| 3.1 Conservation Zones (previously 2.1 Environment Protection Zones)   |  |
| <p>Assessment – Consistent</p> <p>Objective</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>Application</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>Direction 3.1</p> <p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".</p> <p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> <li>(a) justified by a strategy approved by the Planning Secretary which:             <ul style="list-style-type: none"> <li>i. gives consideration to the objectives of this direction, and</li> <li>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or</li> </ul> </li> <li>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</li> <li>(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or</li> <li>(d) is of minor significance.</li> </ul> <p>This Planning Proposal is consistent with this direction as it includes provisions that facilitate the protection and conservation of environmentally sensitive areas. Although, the Planning Proposal does not apply to land within a conservation zone and does contain land identified as containing Biodiversity values, a Biodiversity Offset Scheme (BOS) is triggered for a future development application on the site by virtue of the area threshold. Hence a Biodiversity Development Assessment Report (BDAR) will be required. As such a provisional BDAR (Appendix H) has been prepared in support of this Planning Proposal.</p> <p>Although the site under the PMH UGMS (Figure 11b) maps the remnant vegetation community in the northwest corner as High Environmental Value (HEV), the provisional BDAR assessed this vegetation against the North Coast Regional Plan 2036 (at that time) criteria and found that the vegetation does not meet the criteria for HEV.</p> <p>Therefore, the Planning proposal will not result in the removal of any environmentally sensitive areas and is therefore consistent with this Direction. Further, the Planning Proposal includes the part rezoning of land to the north of the suite as C2 Environmental Conservation, that will form part of the BOS.</p> |  |

## 3.2 Heritage Conservation

## Assessment – Inconsistent (Justified)

## Objective

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

## Application

This direction applies to all relevant planning authorities when preparing a planning proposal.

## Direction 3.2

- (1) A planning proposal must contain provisions that facilitate the conservation of:
- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
  - (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
  - (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

## Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that:

- (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.

This Planning Proposal is inconsistent with this Direction as it does not contain provisions that facilitate the items in Direction 3.2(1)(a) to (c). Notwithstanding, the current PMH LEP contains Clause 5.10 Heritage Conservation, that has provisions for the protection and conservation of Aboriginal objects and places of heritage significance. This existing Clause enables this Planning Proposal to be a justified inconsistency with this Direction to the satisfaction of the Planning Secretary.

Further, supporting this Planning Proposal is an Aboriginal Due Diligence Assessment Report (Appendix L).

The survey identified an area of potential archaeological deposit and recommendations have been developed to ensure appropriate testing is undertaken in accordance with the Code of Practice for the Investigation of Aboriginal Objects in NSW before any ground disturbance commences.

If Aboriginal objects are identified during the archaeological testing, then an Aboriginal Heritage Impact Permit (AHIP) application will be required, noting that an AHIP can only be issued following issue of a Development Application.

For timing purposes the report suggests that the archaeological testing should be undertaken while the Development Application is under assessment.

## 3.3 Sydney Drinking Water Catchments

Assessment – Not Applicable to Port Macquarie-Hastings LGA

## 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs

Assessment – Not Applicable to Port Macquarie-Hastings LGA

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| 3.5 Recreation Vehicle Areas |
| Assessment – Not Applicable  |

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| Focus Area 4 - Resilience & Hazards  | The intent of this Focus Area is to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments. |
| 4.1 Flooding   |   |
| Assessment – Consistent  |   |
| <p>The objectives of this Direction are to:</p> <ul style="list-style-type: none"> <li>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</li> <li>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</li> </ul> <p>The Planning Proposal is considered consistent with this Direction because the Site is not identified as being flood affected</p>   |   |
| 4.2 Coastal Management   |   |
| Assessment – Consistent  |   |
| <p>Objective</p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p> <p>Application</p> <p>This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 – comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>The Planning Proposal is considered consistent with this Direction because the Site is not identified as being within the coastal zone. The Site does not contain coastal wetlands and/or littoral rainforest; and is not located in a coastal vulnerability area, coastal environment area or coastal use area.</p> |   |
| 4.3 Planning for Bushfire Protection   |   |
| Assessment – Inconsistent (Justified)  |   |
| <p>Objectives</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</li> <li>(b) encourage sound management of bush fire prone areas.</li> </ul>   |   |

**Application**

This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.

This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EPA Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

**Direction 4.3**

- (1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
- (2) A planning proposal must:
  - (a) have regard to Planning for Bushfire Protection 2019,
  - (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
  - (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).
- (3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
  - (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
    - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
    - ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
  - (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
  - (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
  - (d) contain provisions for adequate water supply for firefighting purposes,
  - (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
  - (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

The site is mapped bushfire prone. The preliminary concept plan for the school provides for asset protection zones, road access and access to services to ensure future compliance with Planning for Bushfire Protection 2019.

Appendix M includes the Strategic Bushfire Study (SBS) prepared by Blackash Bushfire Consulting, which has

considered this Planning Proposal with respect to bushfire risk and the requirements of Planning for Bushfire Protection 2019. The SBS concludes:

In the authors professional opinion, the planning proposal is a suitable use of the land and the bushfire protection measured demonstrated in this report comply with the Aims and Objectives of Planning for Bushfire Protection 2019, the Ministers Direction 4.4 Planning for Bushfire Protection and allow for the issue of a Gateway Determination with respect to bushfire matters.

Nevertheless, as the Planning Proposal is inconsistent with this Direction, although justified by Appendix M, the Planning Proposal, including Appendix M will require referral to the NSW RFS following Gateway determination.

#### 4.4 Remediation of Contaminated Land

##### Assessment – Consistent

##### Objective

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

##### Application

This direction applies when a planning authority prepares a planning proposal that applies to:

- a) Land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997.

The Site is not within an investigation area within the meaning of the Contaminated Land Management Act 1997. Therefore, this Planning Proposal cannot be considered inconsistent with this Direction.

Further, Stage 1 Site Contamination Assessment prepared in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Land (2020) accompanies this submission at Appendix K.

This assessment concludes that:

Based on the results obtained in this investigation the site is considered likely to be suitable for the proposed secondary school land use with regard to the presence of soil contamination provided the recommendations and advice of this report are adopted, including the Stage 2 Site Contamination Assessment, and demolition and site preparation works are conducted in accordance with appropriate site management protocols and legislative requirements. (p.16).

#### 4.5 Acid Sulphate Soils

##### Assessment – Consistent

##### Objective

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

##### Application

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.

##### Direction 4.5

- (1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

- (2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:
  - (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or
  - (b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.
- (3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.
- (4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).

#### Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (b) of minor significance.

A small area within the north-eastern corner of the site is mapped as Class 5 Potential Acid Sulfate Soils as shown in. The preliminary concept plan for the school proposes to retain the existing vegetation within this area and zone it C2 Environmental Conservation. The preliminary concept plan for the school proposes to retain the existing vegetation within this area and zone it C2 Environmental Conservation. On that basis, this Planning Proposal is consistent with this Direction as there will be no intensification of the use of the part of the land affected by acid sulfate soils.

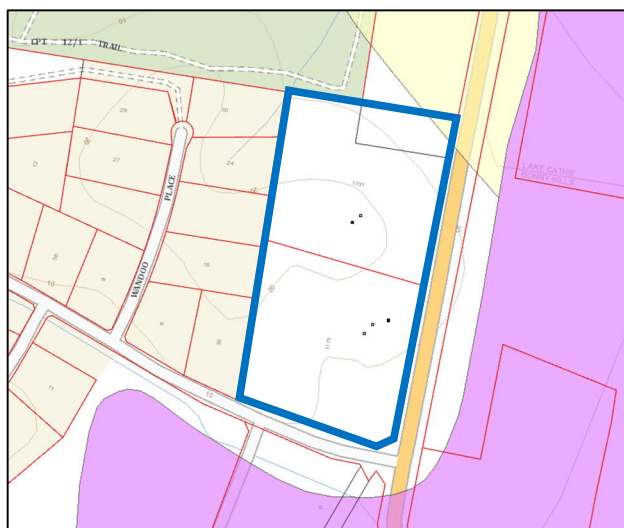


Figure 7 - Extract of Acid Sulfate Soils Maps - Site in blue outline (Source: DPE Spatial Viewer)



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| 4.6 Mine Subsidence & Unstable Land |
| Assessment – Not Applicable         |

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| Focus Area 5 - Transport & Infrastructure   | The intent of this Focus Area is to support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time. |
| 5.1 Integrating Land Use and Transport  |  |
| Assessment - Not Applicable   |  |
| This Direction is not Applicable as the Planning Proposal does not involve residentially zoned land.  |  |
| 5.2 Reserving Land for Public Purposes  |  |
| Assessment – Consistent   |  |
| <p>Objectives</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</li> <li>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</li> </ul> <p>Application</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>This Planning Proposal is considered consistent with this Direction as it does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.</p> |  |
| 5.3 Development Near Regulated Airports and Defence Airfields   |  |
| Assessment – Not Applicable   |  |
| 5.4 Shooting Ranges   |  |
| Assessment – Not Applicable   |  |

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| Focus Area 6 - Housing   | The intent of this Focus Area is to foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities. |
| 6.1 Residential Zones  |   |
| Assessment – Not Applicable  |   |
| This Direction is not applicable as the Planning Proposal does not seek to make any changes to residentially zoned land. |   |

## 6.2 Caravan Parks and Manufactured Home Estates

## Assessment – Consistent

## Objectives

The objectives of this direction are to:

- (a) provide for a variety of housing types, and
- (b) provide opportunities for caravan parks and manufactured home estates.

## Application

This direction applies to all relevant planning authorities when preparing a planning proposal. This direction does not apply to Crown land reserved or dedicated for any purposes under the Crown Land Management Act 2016, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the National Parks and Wildlife Act 1974.

## Direction 6.2

- (1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:
  - (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and
  - (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.
- (2) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:
  - (a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) 2021 as to where MHEs should not be located,
  - (b) take into account the principles listed in clause 125 of State Environmental Planning Policy (Housing) 2021 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and
  - (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.

This Planning Proposal does not seek to identify suitable zones, locations and provisions for caravan parks, nor does it seek to reduce such. Therefore, this Planning Proposal cannot be considered inconsistent with this Direction.

## Focus Area 7 - Resilient Economies

The intent of this Focus Area is to support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.

## 7.1 Business and Industrial Zones

#### Assessment – Consistent

##### Objectives

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in employment zones, and
- (c) support the viability of identified centres.

##### Application

This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary). For the purpose of this Direction, Employment zones means the following zones

- Employment
- Mixed Use
- W4 Working Waterfront
- SP4 Enterprise
- SP5 Metropolitan Centre

The Planning Proposal is considered consistent with this Direction because it does not affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).

#### 7.2 Reduction in non-hosted short-term rental accommodation period

##### Assessment – Not Applicable

#### 7.3 Commercial and Retail Development along the Pacific Highway, North Coast

##### Assessment – Not Applicable to Port Macquarie-Hastings LGA

#### Focus Area 8 - Resources & Energy

The intent of this Focus Area is to promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.

#### 8.1 Mining, Petroleum Production & Extractive Industries

##### Assessment – Consistent

##### Objective

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

##### Application

This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive

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| materials, or   |
| (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. |
| The Planning Proposal is considered consistent with this Direction because there is no information to the contrary that would suggest that this Planning Proposal will:   |
| i. prohibit the mining of coal or other minerals, production of petroleum, or the winning or obtaining of extractive materials, or  |
| ii. restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance.   |

|   |   |
|---|---|
| Focus Area 9 - Primary Production   | The intent of this Focus Area is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW. |
| 9.1 Rural Zones   |   |
| Assessment – Inconsistent - Justified   |   |
| Objective   |   |
| The objective of this direction is to protect the agricultural production value of rural land.  |   |
| Application   |   |
| This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).  |   |
| Direction 9.1   |   |
| (1) A Planning Proposal must:   |   |
| (a) not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone  |   |
| (b) (Does not apply to Port Macquarie LGA)  |   |
| Consistency   |   |
| A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are: |   |
| (a) justified by a strategy approved by the Planning Secretary which:   |   |
| (i) give consideration to the objectives of this direction, and   |   |
| (ii) identified the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or   |   |
| (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or   |   |

- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
- (d) is of minor significance

This Planning Proposal is inconsistent with the objectives of this direction. However, as the site:

- has minimal agricultural potential given its small land area.
- Is in close proximity to existing and future urban land uses; and
- Is identified within an endorsed local strategic strategy for investigation for a school.

Justification for the inconsistency is therefore in accordance with this direction.

## 9.2 Rural Lands

### Assessment – Inconsistent - Justified

#### Objective

The objectives of this direction are to:

- (a) protect the agricultural production value of rural land,
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,
- (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.

#### Application

This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that:

- (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or conservation zone.

Note: Reference to a rural or conservation zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, C1, C2, C3, C4.

#### Direction 9.2

- (1) A planning proposal must:
  - (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement
  - (b) consider the significance of agriculture and primary production to the State and rural communities
  - (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
  - (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
  - (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities

- (f) support farmers in exercising their right to farm
  - (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use
  - (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land
  - (i) consider the social, economic and environmental interests of the community.
- (2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:
- (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
  - (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
  - (c) where it is for rural residential purposes:
    - i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
    - ii. is necessary taking account of existing and future demand and supply of rural residential land.

Note: where a planning authority seeks to vary an existing minimum lot size within a rural or conservation zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.

### Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy approved by the Planning Secretary and is in force which:
  - i. gives consideration to the objectives of this direction, and
  - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) is of minor significance.

This Planning Proposal is inconsistent with the objectives of this direction. However, the site:

- has minimal agricultural potential given its small land area.
- Is in close proximity to existing and future urban land uses; and
- Is identified within an endorsed local strategic strategy for investigation for a school.

Further, the Planning Proposal seeks to protect environmental values through the part rezoning of the site to C2 Environmental Conservation; and the future use of the site as a school will reduce land use conflicts to adjacent residentially zoned land.

The Planning Proposal is also in the economic and social interests of the community as it will provide a much needed educational facility in the form of a high school, which also provides employment within the education profession that includes teaching and administrative staff.

Therefore, justification for the inconsistency is considered to be in accordance with this direction.

## 9.3 Oyster Aquaculture

### Assessment – Consistent

#### Objectives

The objectives of this direction are to:

- (a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately



|  |
|--|
| <p>considered when preparing a planning proposal, and</p> <p>(b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</p>   |
| <p>Application</p> <p>This direction applies to any relevant planning authority when preparing a planning proposal in 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) ("the Strategy"), when proposing a change in land use which could result in:</p> <p>(a) adverse impacts on a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate", or</p> <p>(b) incompatible use of land between oyster aquaculture in a 'Priority Oyster Aquaculture Area' or a "current oyster aquaculture lease in the national parks estate" and other land uses.</p> <p>The Planning Proposal does not involve land within 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006). Therefore, the Planning Proposal cannot be considered to be inconsistent with this Direction.</p> |
| <p>9.4 Farmland of State &amp; Regional Significance on the NSW Far North Coast</p>  |
| <p>Assessment – Not Applicable to Port Macquarie LGA</p>   |

## Site-Specific Merit:

### SECTION C – Environmental, Social & Economic Impacts

Question 8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal?

A provisional Biodiversity Development Assessment Report accompanies this Planning Proposal at Appendix H.

The purpose of this assessment is to provide a level of certainty that this Planning Proposal can be supported through undertaking assessments pursuant to the NSW Biodiversity Conservation Act 2016 (BC Act), the SEPP (Biodiversity and Conservation) 2021, and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBCA) – Matters of National Environmental Significance.

The provisional Biodiversity Development Assessment Report (pBDAR) recognizes that a Biodiversity Development Assessment Report (BDAR) will be required to accompany the future DA for a school as the proposal will trigger the Biodiversity Offset Scheme (BOS).

#### Survey findings

##### 1. Vegetation

- Two PCTs in 7 vegetation zones (VZs) were identified on the subject land but only 4 of the PCT 690 VZs comprise the development envelope/site, the remainder are retained in the proposed C2 zone:
  - PCT 690 – Blackbutt - Pink Bloodwood shrubby open forest of the coastal lowlands of the NSW North Coast Bioregion: Occurs in 6 forms. In its largely intact form, occurs in the mapped HEV area in the northwest corner. The other forms are remnant and regrowth patches in various states, with the largest being pasture with scattered trees.
  - PCT 1230: Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion: Occurs in the northeast corner outside development envelope. Consists of disturbed form with one large remnant tree and regrowth with a moderate level of weed content. (p.14)
- No EECs listed under NSW or Commonwealth legislation occur in the development envelope (p.14).
- The PMH UGMS (Figure 11b) maps the remnant vegetation community in the northwest corner as High Environmental Value (HEV) vegetation. This area was assessed as per the NCRP 2036 criteria (at that time). The assessment determined that the area currently mapped as HEV does not meet any of the criteria (p.14).

##### 2. Threatened Species

- Despite intensive targeted survey over the required survey seasons, no Species Credit fauna species was detected.(p.14)

## 3. Koala Habitat

- Under Chapter 3, SEPP (Biodiversity and Conservation) 2021, the site contains Potential Koala Habitat, however there is a lack of sufficient evidence to indicate it contains or forms part of Core Koala Habitat. Consequently, a Koala Plan of Management is not required under this SEPP (p.16).

## 4. Serious and Irreversible Impacts (SII)

- No listed SII entities are known or likely to occur on-site, hence no SII threshold is exceeded (p.15)

## Avoiding and minimising impacts

The proposed rezoning is consistent with the principles of avoid, minimise and offset, as established by the BC Act. A summary of these principles is provided in the pBDAR (pp86-89) and reproduced as follows:

Locating a project to avoid and minimise impacts on vegetation and habitat (Table 18)

| Approach  | How addressed   | Justification   |
|---|---|---|
| Locating the proposal in areas where there are no biodiversity values | <p>The development envelope is centred on existing largely cleared land with limited remnant native vegetation.</p> <p>The previously mapped HEV and potential EEC is retained in a proposed C2 area to improved in value via bush regeneration under a Vegetation Management Plan (VMP).</p> | <p>The parent land parcel has been used for several decades for large lot residential with improved pasture dominating the site due to keeping of stock and cultivation. Regrowth is suppressed by regular slashing and mowing, hence the vegetation within the development envelope is unable to recover under the current landuse regime.</p> <p>The remnant trees and forest clumps around the dwellings were unable to be retained due to the need for major engineering of the landform ie. cutting and filling. Blackbutt is also undesirable to retain in a school due to the liability of limb falls and potential damage to buildings and infrastructure, and risk of injury or death of students and staff.</p> <p>The line of trees in VZ 4 which contains 2 hollow-bearing trees and approximately 20 Koala food trees (KFTs) will be attempted to be retained via provision of a retaining wall. Some of these trees are in low condition and hence currently limited longevity, and an arborist will need to assess these trees for survival likelihood in accordance with AS 4970-2009 Protection of Trees on Development Sites.</p> <p>The mapped HEV and potential EEC will be retained in an C2 zone, with gaps infill planted to restore a band of structured native forest along this boundary. This will widen a future regenerated gap in the UIA 14 east-west wildlife corridor running from QLSCA to the dune succession in the east. The C2 on site will provide both a buffer to the EEC habitat to the north, and reduce edge effects.</p> |
| Locating the proposal in areas  | As above  | As above.   |

| Approach   | How addressed   | Justification   |
|--|---|---|
| where the native vegetation or threatened species habitat is in the poorest condition  |   |   |
| Locating the proposal such that connectivity enabling movement of species and genetic material between areas of adjacent or nearby habitat is maintained | C2 zone will widen and buffer the regenerating gap in the EEC and key local wildlife corridor to the north, enhancing its values. | <p>Site currently has negligible values as a corridor due to the expanse of improved pasture and gaps between trees. More important linkages appear likely to occur west where vegetation is progressively more intact.</p> <p>No evidence of Koalas using site as a north-south linkage. Landscaping may in time allow Koalas to move across site, but the better connectivity is in the western end of Bonny View Drive, as indicated by records. This is not affected.</p> |

Designing a proposal to avoid and minimise impacts on vegetation and habitat (Table 19)

| Approach   | How addressed   | Justification   |
|--|---|---|
| Reducing the clearing footprint of the project   | <p>Development focussed on areas highly modified by decades of use as large lot residential and improved pasture supporting stock. Retention of mapped HEV in northwest, potential EEC in northeast, and creation of a forested buffer along northern boundary adjoining the UIA wildlife corridor.</p> | <p>The overwhelming majority of the site was low constraint due to being cleared and improved pasture, and threatened arboreal mammals using the small remnants or evidence of Koala activity.</p> <p>Engineering constraints require significant cut and fill, severely limiting strategic retention of current tree cover on site. Blackbutt has issues with risks of branch fall on life and property, hence not desirable in an urban landscape. Line of about 20 Tallowwoods in southeast subject to retention if deemed practical by arborist.</p> <p>Northern end was identified to be infill planted to widen and buffer the key local corridor to the north, and retain and protect the EEC.</p> |
| Locating ancillary facilities in areas where there are no biodiversity values  | <p>APZs located in existing cleared/maintained land.</p> <p>Primary access follows western boundary which is largely cleared.</p> <p>Eastern ingress/egress falls on land which needs to be cut for the development.</p>  | <p>As noted above, the site consists of two long established large lot residential properties where the original native vegetation has long been converted to pasture with some minor remnants, supplemented with various plantings of natives (indigenous and non-indigenous). Resilience is very low over most of site, as shown by VI.</p> <p>VZ 1 is unavoidable due to the engineering requirements.</p>   |
| Locating ancillary facilities in areas where the native vegetation or threatened species habitat is in the poorest condition (i.e. areas that have a lower Vegetation Integrity score) | As above.   | As above.   |

| Approach   | How addressed  | Justification  |
|--|--|--|
| Locating ancillary facilities in areas that avoid habitat for species and vegetation in high threat status categories (e.g. an EEC or CEEC)                            | No CEECs or Critically Endangered species.<br><br>Potential EEC retained in proposed C2 area   | As above, no CEECs on site or study area.<br><br>Almost entire site clearly falls on residual soils, with only northeast edge possibly on alluvial soils. This area is retained within buffer to be infill planted and rehabilitated to improve its resilience to weeds and other edge effects, benefiting both the site and adjacent occurrence which is also to be regenerated by the adjoining development (BA 2020).   |
| Providing structures to enable species and genetic material to move across barriers or hostile gaps  | Northern C2 zone proposed to widen and buffer adjacent identified wildlife corridor.   | No evidence of Koala activity on site, and only retainable trees outside northern C2 area is the strip in the southeast, which a Koala must cross roads to access currently, and in the future. Given road kill risk, connectivity here is not encouraged, hence no recommendations to specifically enhance Koala use of the site post-development as a corridor.<br><br>The protection and regeneration of the northern C2 area will widen and buffer the identified wildlife corridor to the north, enhancing its effectiveness. |
| Making provision for the demarcation, ecological restoration, rehabilitation and/or ongoing maintenance of retained native vegetation habitat on the development site. | Northern C2 zone proposed to widen and buffer adjacent identified wildlife corridor.<br><br>C2 protected in perpetuity under zoning and to be managed under a VMP to enhance regeneration.   | VMP area includes both mapped HEV and potential EEC which actually meets the HEV criteria. Rezoning into C2 will secure this area, and its regeneration will enhance the adjacent key local corridor.  |
| Efforts to avoid and minimise impacts through design must be documented and justified.   | Initial constraints assessment as follows:<br><br>Northern remnant vegetation mapped as HEV, but potential EEC also in northwest.<br><br>Hollow bearing trees and Koala food trees identified and surveyed.<br>Cut and fill limitations balanced with practical habitat retention. | The overwhelming majority of the site was low constraint due to being cleared and improved pasture, and threatened arboreal mammals using the small remnants or evidence of Koala activity.<br><br>Northern end was identified to be infill planted to widen and buffer the key local corridor to the north, and retain and protect the EEC within an C2 zone.   |

Question 9 - Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

### 9.1 Bushfire

The site is mapped as bushfire prone on the ePlanning Spatial Viewer and an extract of this mapping is provided at Figure 8 below.



Figure 8 - Bushfire Prone Land, ePlanning Spatial Viewer

A Strategic Bushfire Study has been prepared to accompany this Planning Proposal (refer Appendix M). The Study has been prepared with reference to the relevant statutory and legislative considerations set out in the EPA Act, Ministerial Direction 4.4, the Rural Fires Act 1997 (RF Act) and Rural Fires Regulations 2013<sup>3</sup> (RF Reg) and Planning for Bushfire Protection 2019 (PBP 2019).

The proposed high school falls under the definition of Special Fire Protection Purpose (SFPP) pursuant to Section 100B (6) of the RF Act.

The Study confirms that the proposal meets the deemed to satisfy requirements of PBP 2019 for asset protection zones (APZ), roads and access provisions and services (water, electricity and gas),

The Study concludes the following with respect to the development of the site for the purposes of a school (p.67):

The SBS has demonstrated that this Planning Proposal has considered and responded to the requirements of PBP. In a bushfire context, PBP (p. 34) requires that strategic planning must ensure that future land uses are in appropriate locations to minimise the risk to life and property from bush fire attack. Services and infrastructure that facilitate effective suppression of bushfires also need to be provided for at the earliest stages of planning.

The bushfire risk has been considered at the macro-scale, looking at fire runs, slopes, fire behaviour, bushfire attack into the site and it has addressed the access and evacuation requirements of PBP.

<sup>3</sup> As in force at the time of the Study noting *Rural Fires Regulation 2022* is now the relevant Statutory Instrument.



This section assesses the broad principles outlined within PBP (p. 34) which are at Table 3 and the consideration of exclusion of development as required within PBP (p. 34) at Table 4.

Table 3 - Strategic Principles

| Principle within PBP   | Comment   | Compliance |
|--|---|------------|
| ensuring land is suitable for development in the context of bushfire risk                          | The Planning Proposal provides compliance with the deemed to satisfy requirements of PBP in all Bushfire Protection Measures. The bushfire risk has been considered at FFDI 100 as required by PBP and the risk to future occupants and emergency services can be managed by meeting the requirements of PBP. | Yes        |
| ensuring new development on BPL will comply with PBP   | The Planning Proposal meets all deemed to satisfy requirements of PBP. Future development will meet the standard of <10kW/m <sup>2</sup> radiant heat at building exposures. Roads and APZs comply with PBP.  | Yes        |
| minimising reliance on performance-based solutions   | No performance based solutions have been proposed or used in this assessment. All Bushfire Protection Measures have been met using acceptable solutions provisions within PBP.  | Yes        |
| providing adequate infrastructure associated with emergency evacuation and firefighting operations | The indicative internal road layout meets and exceeds the minimum requirements of PBP. A primary shelter in place strategy will be supported by a detailed EMP and PIP. Multiple evacuation routes are available after the impact of fire front has passed or with 3 hours advance warning.                   | Yes        |
| facilitating appropriate ongoing land management practices   | The future development will not burden or change the existing obligations or management actions of neighbours and the site will be managed under one ownership and the requirements of a Bushfire Management Plan to be developed at development application stage.   | Yes        |

Table 4 - Exclusion of Development

| Principle within PBP  | Comment  | Compliance |
|---|--|------------|
| the development area is exposed to a high bush fire risk and should be avoided  | The landscape bushfire risk is moderate (Table 1) as it is adequately separated from landscape scale bushfire except on very limited exposures characteristic of localised fires. The new development will comply with the minimum requirements of PBP, and the risk has been managed to the appropriate level required by PBP.  | Yes        |
| the development is likely to be difficult to evacuate during a bush fire due to its siting in the landscape, access limitations, fire history and/or size and scale | The development has a primary shelter in place plan with suitable safe refuges. This relates to logistics rather than the site characteristics. Multiple evacuation routes have been shown that provide destinations out of Bushfire Prone Areas after a significant incident or with 3 hours advanced warning.  | Yes        |
| the development will adversely effect other bush fire protection strategies or place existing development at increased risk   | All new development within the site will be designed to meet the minimum standards of PBP which achieve an appropriate level of bushfire resilience. The Planning Proposal does not seek or rely on the provision of off-site APZs or other Bushfire Protection Measures. The development will not burden or change the existing obligations or management actions of neighbours. The development will provide a positive impact to adjoining neighbours by permanently removing a bushfire hazard and providing an additional bushfire safer place. | Yes        |
| the development is within an area of high bushfire risk where density   | The landscape bushfire risk is moderate (Table 1) as it is adequately separated from landscape scale bushfire except on  | Yes        |

| Principle within PBP  | Comment   | Compliance |
|---|---|------------|
| of existing development may cause evacuation issues for both existing and new occupants | very limited exposures characteristic of localised fires. The indicative internal road layout meets and exceeds the minimum requirements of PBP.<br><br>The development has a primary shelter in place plan with suitable safe refuges. This relates to logistics rather than the site characteristics. Multiple evacuation routes have been shown that provide destinations out of Bushfire Prone Areas after a significant incident or with 3 hours advanced warning. |            |
| the development has environmental constraints to the area which cannot be overcome      | The environmental constraints have been considered and assessed separately. The Planning Proposal layout reflects the environmental constraints.  | Yes        |

The Strategic Bushfire Study concludes the following (p.70):

In the authors professional opinion, the Planning proposal is a suitable use of the land and the bushfire protection measured demonstrated in this report comply with the Aims and Objectives of Planning for Bushfire Protection 2019, the Ministers Direction 4.4 Planning for Bushfire Protection and allow for the issue of a Gateway Determination with respect to bushfire matters.

## 9.2 Contamination

A Stage 1 Site Contamination Assessment prepared in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Land (2020) accompanies this Planning Proposal at Appendix K.

The site is currently occupied by two dwellings, various sheds, septic tanks and wastewater disposal fields that are all to be removed prior to development being undertaken. The assessment has identified areas of environmental concern based on these site observations and on the past land use, with sampling undertaken in the identified areas.

The assessment found that contaminant concentrations do not exceed the adopted health investigation criteria and has concluded that the site is likely to be appropriate for the proposed secondary school development from a site contamination perspective.

The assessment confirms that a Stage 2 Contamination assessment of localised areas in the vicinity of the existing dwellings should be undertaken at the completion of demolition works.

## 9.3 Aboriginal Archaeology

An Aboriginal Due Diligence Assessment Report, prepared in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010), accompanies this submission at Appendix L.

Survey of the site was undertaken by the project archaeologist and a Birpai custodian representative from the Birpai Local Aboriginal Land Council whose traditional boundaries extend into the subject site. No artefacts or modified trees were observed during the survey.

The survey did however identify a potential archaeological deposit (PAD HN-BH-PAD01) on the ridge near the centre of the western boundary of the Project Area. Although no artefacts were found during survey, this elevated land between creek lines was potentially an advantageous place to camp and was

also less disturbed than other parts of the Project Area (p.13).

The location of the PAD is illustrated on the plan extract below at Figure 9. The report concludes that this PAD is of moderate scientific and cultural significance and the proposed development can proceed.



Figure 9 - Area of PAD HN-BH-PAD01 (Aboriginal DUE Diligence Assessment Report, Figure 3)

In summary the report concludes and recommends the following (p.17):

The archaeological survey identified an area of potential archaeological deposit (HN-BH-PAD01) on part of an elevated ridge in the Project Area. Archaeological test pitting under the Code of Practice for the Investigation of Aboriginal Objects should be undertaken of HN-BH-PAD001 to determine whether artefacts (Aboriginal objects) are present.

If Aboriginal objects are identified during the archaeological testing, then an AHIP application will be required. If no Aboriginal objects are identified during the archaeological testing, then an AHIP will not be needed and no further work will be required.

An AHIP can only be issued once the Development Application is approved and thus it is preferable for timing purposes of the project for the archaeological testing to occur prior to the issue of the Development Application (and ideally undertaken while the Development Application is being assessed).

The Proposal can proceed subject to the following recommendations:

#### Recommendation 1

Test pitting of HN-BH-PAD01 is to be undertaken under the Code of Practice for the Investigation of Aboriginal Objects in NSW before any ground disturbance involved in the Proposal commences.

#### Recommendation 2

If subsurface artefacts are identified at HN-BH-PAD01 then an application for an Aboriginal Heritage Impact Permit is to be submitted to Heritage NSW. This permit may include salvage excavations, depending on the results of the test excavation.

### Recommendation 3

All on-site personnel are to be made aware of their obligations under the National Parks and Wildlife Act 1974. This includes protection of Aboriginal sites and the reporting of any new Aboriginal, or suspected Aboriginal, heritage sites. This may be done through an on-site induction or other suitable format.

## 9.4 Noise

An Acoustic Assessment accompanies this Planning Proposal at Appendix J. This assessment has considered potential noise impacts on the nearby sensitive receivers resulting from:

1. Traffic generated by a school use, in accordance with the NSW Road Noise Policy; and
2. Potential noise generated from within the school itself, in accordance with the NSW Noise Policy for Industry (NPfI). The use of the NPfI is a conservative assessment method.

The assessment has concluded that:

"...the site could be used for the proposed school and satisfy all relevant noise guidelines. Therefore, the site is suitable for the proposed land use – that is a school.

As the final layout and design will not be developed until the DA stage, we recommend that the following aspects be considered in the future DA. (p. 13-14)

| Issue                      | Recommendation   |
|----------------------------|--|
| Car Park noise             | Fencing on the western property boundary – the nominal height and location specified in this report should be reviewed with any updated traffic volumes and road design.   |
| After hours activities     | Activities after school hours should finish before 10.00 pm.   |
| Public Address system      | Speaker type and location should be considered. For example, directional speakers covering playground areas should be used.  |
| Mechanical services        | Should be designed to comply with NPfI   |
| Auditorium Design          | Consideration to ventilation openings and air conditioning as well as noise from evening events.   |
| Classroom Design           | Consider ventilation openings that face residential areas as potential noise sources. Because of distance to neighbours, it is unlikely to cause an impact but should be considered.   |
| School Management policies | Should include a section on noise control that addresses at least: <ul style="list-style-type: none"> <li>- after school and evening activities</li> <li>- management of the parking area</li> <li>- management of noise complaints</li> </ul> |

Question 10 - Has the planning proposal adequately addressed any social and economic effects?

### 10.1 Economic

The PMH UGMS notes that approximately 8 hectares of industrial land is required to meet the projected demand from the Lake Cathie and Bonny Hills communities for service industry to 2036. The HMDEL, at the intersection of Ocean Drive with Houston Mitchell Drive, was rezoned to part IN2 Light Industrial and part C2 Environmental Conservation with the gazettal of Map Amendment 1 on 30 June 2021 and will provide approximately 5.5ha of this employment land.

With respect to economic impact the following is noted:

#### 10.1.1 Potential impact on Council's employment lands needs for Lake Cathie and Bonny Hills to 2036

The UGMS notes that a further 2.5 ha of service industry land is required to service projected demand in the Lake Cathie and Bonny Hills area to 2036.

The inclusion of the subject site as an investigation area for service industry was to some extent based on the creation of a potential public road link between Houston Mitchell Drive to Bonny View Drive to create a single service industry area.

Consultation with Council's Natural Resources section and DPE Biodiversity Conservation Division (BCD) during the rezoning process for the HMDEL determined that the potential public road linking the HMDEL with the subject site was not supported given as it will sever land that has been zoned C2 Environmental Conservation, which backs Queens Lake State Conservation Area and the C2 zoned land on the east side of Ocean Drive.

The deletion of an internal public connection road significantly reduces the suitability of the subject site for service industry and particularly in the context of the criteria listed for the additional investigation area at p.92 of Vol 2 of the PMH UGMS.

The deletion of an internal connection road will also result in the creation of two separate areas of employment lands. Additionally, the subject site will provide 10 ha of relatively constraint free land. The use of a 10ha parcel of land to generate 2.5 ha of employment lands is not the best and most efficient use of the land. Based on existing Catholic high school campuses in regional areas, the proposed school will make use of the whole of the 10ha landholding.

The need to provide a buffer between the proposed light industrial uses and the existing large lot residential land use on the adjoining western properties also suggests that a potential industrial use is likely not compatible with the existing adjoining large lot residential land use in Bonny View Drive.

In contrast high school campuses are often located adjoining residential areas and subject to appropriate design considerations to ensure compatible land uses. As an example, St Joseph's Regional High School within the Thrumster Urban Release Area has been developed immediately adjacent to existing large lot residential land uses with the design of the high school campus ensuring that both land uses are compatible.

PMH UGMS confirms that the proposed Outline Plan for West Bonny Hills will consider, amongst other things, the need for light industrial development to serve the Lake Cathie and Bonny Hills communities. (vol 2, p.93), with the commencement of the Stage 1 investigations and the preparation of the Outline Plan to be undertaken in 2022-2023 (Action 11).

Accordingly, this Planning Proposal does not adversely impact Council's employment lands needs for Lake Cathie and Bonny Hills to 2036, noting:

- The investigation of the use of the subject site for use as a school is consistent with Action 17 of PMH UGMS.
- Likewise, the investigation of land within the West Bonny Hills Outline Plan area to identify a further 2.5 ha of land for light industrial uses is consistent with PMH UGMS as part of the preparation of that Outline Plan.
- The investigation of the subject site for use as a school does not diminish the intent of PMH UGMS to investigate, identify and ultimately rezone 8 ha of land for service industry purposes to serve the Lake Cathie and Bonny Hills communities.
- The currently adopted actions of PMH UGMS includes further investigation of land at West Bonny Hills in 2022/23 for light industrial purposes to meet the 2.5 ha shortfall in the projected 8 ha of service industry land for Lake Cathie and Bonny Hills.
- The establishment of a small standalone light industrial precinct on the subject site will not easily satisfy the PMH UGMS locational criteria with respect to maximising infrastructure and service efficiencies and opportunities for total water cycle management.
- A minimum level of infrastructure will be required to service a new standalone employment precinct no matter what its size. The subject properties will have no direct connection to other existing or proposed employment lands which will likely create inefficiencies both in the provision of services and the management of water resources.
- In contrast the proposed catholic high school campus will be large enough to ensure that efficiencies in infrastructure and services are maximised.
- On that basis, the investigation of the subject land for school purposes does not impact on Council's employment lands hierarchy as adopted in the PMH UGMS.

10.1.2 Demonstrated demand for a high school at this location and estimated number of local jobs to be created.

#### Demand

St Agnes' Catholic Parish has engaged in a Strategic Planning Process to review the operation of its schools and education related assets. The purpose of the Strategic Planning was to build a high-level understanding of the education endeavours current situation and future direction to develop asset strategies that support the Parish's vision.

The Parish has a 60- year history of growing and developing education locally and the Strategic Planning Process will ensure the Parish is able to meet the ongoing educational needs of the community well into the future.

St Agnes' Parish Primary schools (St Agnes, St Josephs (Walters St), and St Peters) have experienced continued growth and have reached capacity which prevent any further expansion. The pressure on the existing primary schools has eased in the past three years most likely primarily in response to the opening of the Lake Cathie Primary school providing additional choice to families in the Lake Cathie Bonny Hill area. In addition, the other Catholic primary schools in the Port Macquarie-Hastings LGA (St Joseph's Laurieton and St Joseph's Wauchope) are nearing capacity. These other primary schools



along with a proportion of the state primary schools all feed into the St Agnes' Catholic Parish high schools.

The two existing Catholic high schools (St Joseph's Regional College, Thrumster and Mackillop College) were at or near capacity in 2020, each with communities of over 1000 students. Newman Senior Technical College is also at capacity with 406 senior students.

The overall Catholic school population in the St Agnes Parish in 2020 was 3,897 and is expected to reach 4,000 by 2022<sup>4</sup>.

Currently 390 high school and 36 primary school students travel from Lake Cathie/Bonny Hills Urban release area and the Camden Haven area to Port Macquarie each day to attend St Agnes Parish Catholic schools in Port Macquarie.

In 2017 St Agnes' Parish had over 100 students travelling from the LCBH URA to one of the Parish's three primary schools. The reduction in primary school aged students travelling from this area since the Lake Cathie Public School was opened confirms the community's preference to have for their children educated locally. It is this identified community need and the need to build capacity into the Port Macquarie campuses that prompted this submission.

As part of the ongoing educational strategic planning process St Agnes' Parish have:

- a. A current state assessment of the built environment across St Agnes' portfolio of education facilities; and
- b. Developed an integrated Master Plan/Strategic Development Plan outlining future development across the Parish education facilities. This includes refurbishment, renovation/extension, and Greenfields developments.

St Agnes Parish have also engaged consultants to undertake demographic work that will feed into the Parish education Masterplan work.

The St Agnes' Catholic Parish Schools Data Project Report prepared by consultants confirms the following:

- In 2016, Primary Schoolers (5-11years) represented 8.2% of the total residential population. By 2036 the primary school aged population will increase by 25.6% to 8,444 persons.
- In 2016, Secondary Schoolers (12-17 years) represented 7.2% of the total residential population. By 2036 the secondary school aged population will increase by 25.6% to 7,343 persons.
- Specifically, for the Laurieton-Bonny Hills area:
  - Primary school enrolments experienced 10-year increase of 12% (2009 – 2019) and 5-year increase of 19% (2014 – 2019).
  - Secondary school enrolments experienced 10-year increase of 3% (2009 – 2019) and

<sup>4</sup> These figures were at time of writing the original Planning Proposal. According to <https://stagnesparish.org.au/education/> (18/01/2024) the student population for St Agnes Parish Port Macquarie across 3 primary schools and 3 secondary colleges now exceeds 4,000 students.

5-year increase of 2% (2014 - 2019).

- Across the St Agnes' Catholic Parish secondary schools, 390 students (15.3%) of enrolments are from the southern region of the LGA with the majority of those students commuting from Lake Cathie/Bonny Hills.
- The Lake Cathie/Bonny Hills area is anticipated to be the second fastest growing urban area in the Port Macquarie Hastings, with population growing from about 6,300 in 2016 to around 9,000 to 10,000 residents by 2036, an average of more than 140 persons each year.
- By 2036, the population 0 to 18 years for the Lake Cathie/Bonny Hills will be 2,604 (+1,503 on 2016 Census figures) or an increase of 67.8%. By 2036 the size of this age cohort will surpass that of Thrumster and be on par with the 0- 18 years cohorts of Lighthouse -Greenmeadows and Shelly Beach-Bellevue Hill areas.
- Lake Cathie Public School, established in 2015, commenced with 90 students and recorded 307 students in 2019, an increase of 241%. Construction has been undertaken on 17 purpose-built education spaces with a learning support unit with 2 classrooms, library, and school hall. Planned for completion in late 2021, the school will have the capacity to accommodate up to 460 students in permanent classrooms.
- Port Macquarie Hastings Public Schools are riding a wave of enrolments in 2020 with the largest ever cohort of students studying in NSW schools.
- In New South Wales alone, the public school student population is expected to grow by 25% from approximately 800,000 to 1 million students by the end of this decade; the most significant impacts will be felt in regional, rural and remote parts of the State

The strategic planning work undertaken by St Agnes Catholic Parish has confirmed that pressure will be applied to the existing high school campuses to either maintain or reduce their current population of over 1000 students rather than grow larger.

These outcomes together with the continued growth in student numbers mirroring the population increases and the demographic changes in Port Macquarie have confirmed the need for an additional high school campus in the immediate to short-term, taking into account the time period associated with achieving the rezoning, development approval and ultimate construction of the proposed school on the subject properties.

Once fully developed the Lake Cathie/Bonny Hills Urban Release Area will be the second largest urban centre in the local government area and so is the logical location for the next catholic high school campus. The existing population of Lake Cathie/Bonny Hills and the Camden Haven area generally provide the immediate student cohort to establish the high school on the subject properties in the short term.

### Jobs

The establishment of the proposed catholic high school campus on the subject site will result in the creation of an additional 125 equivalent full time jobs in the education sector within the Lake Cathie Bonny Hills URA. The education and training sector has been identified in the PMH UGMS as a key employment industry both now and in the future.

The proposed catholic high school campus provides the opportunity for jobs growth in the education and training sector within the LCBH URA which is predicted to grow to a population of approximately 10,000 people by 2036 making it the second largest urban centre to the Port Macquarie township.

Accordingly, there is a demonstrated demand for a high school at this locality and a school campus will provide an opportunity for jobs growth in the education and training sector within the LCBH URA.

## 10.2 Social

With respect to social impact the following is noted:

### 10.2.1 St Vincent's Foundation Southern Residential Site

A southern residentially zoned site was identified on the eastern side of Ocean Drive as a potential school site as part of the Part 3A Concept Approval issued by the Minister for Planning and Infrastructure on 1 March 2012. This land area is currently zoned R1 General Residential and separated from the existing residential areas of Bonny Hills and the URA by lands that are zoned C2 Environmental Conservation, being the Central Corridor.

The works within the Central Corridor were approved under Project Approval 07\_0001, dated 1 March 2012, and will comprise environmental restoration works, sporting fields, children's play areas, link bridges and walkways, cycleways, picnic areas and a 14.1 ha constructed wetland system.

Consultation has been undertaken with St Vincent's Foundation as the landholder of the southern residential site on the eastern side of Ocean Drive. This consultation has confirmed that SVF does not propose to retain or develop the southern site for Catholic school purposes as it is not considered suitable for the purposes of a high school campus for the following reasons:

#### Site area

The southern residential site has a land area of approximately 7.3ha. Applying the bushfire requirements for a Special Fire Protection Purpose, the developable area is reduced to approximately 3.23ha. (for information purposes the constraints mapping of the southern residential site has been included at Appendix S). Additionally, there are currently no available 10ha R1 zoned parcels of land east of Ocean Drive at this location.

The subject site has a land area of 10ha and accordingly is consistent with the area requirements for a high school campus.

#### Access

Future vehicular access to the St Vincent Foundation southern residential site will be via the upgraded Ocean Drive/Bonny View Drive intersection. The upgraded intersection will also provide access to the subject western site via Bonny View Drive.

The subject western site has a long frontage to Ocean Drive providing an opportunity to separate the bus drop-off/pick-up point from private vehicles, cycles and pedestrians.

Apart from Ocean Drive, the St Vincent Foundation southern residential site can only be accessed via the pedestrian path and cycleway network approved as part of the Rainbow Beach Estate.

The same pedestrian path and cycleway network will link to the proposed high school campus on the

western side of Ocean Drive via the proposed pedestrian underpass of Ocean Drive.

It is considered that once the pedestrian underpass of Ocean Drive is established, the proposed high school campus on the western side of Ocean Drive will likely have equivalent or better pedestrian, cycle, vehicle and bus access than that available to the St Vincent Foundation southern residential site.

### 10.2.2 Landscape character and visual impact assessment

The Preliminary Concept Plans of the proposed high school campus provide for the retention of the existing mature vegetation at the intersection of Ocean Drive with Bonny View Drive.

Appendix B includes photomontages of the proposed high school campus, including the retained vegetation at the Bonny View Drive intersection and near the north-eastern corner of the subject site. Unlike the potential alternate use of the site for industrial uses as suggested by UGMS 2018, views of a high school development from the public domain are not considered negative in the context of an urban setting.

The proposed Draft DCP provisions at Appendix Q provide for the following with respect to visual amenity:

| Visual amenity   |
|--|
| <p>3.6.2. Objective</p> <ul style="list-style-type: none"> <li>To ensure an attractive site boundary is achieved that retains the existing mature vegetation at the intersection of Ocean Drive with Bonny View Drive.</li> <li>To provide for filtered views of the new school campus when viewed by the travelling public along Ocean Drive.</li> <li>To provide gateway fencing/signage at the intersection of Ocean Drive with Bonny View Drive</li> </ul>   |
| <p>Development Provisions</p> <ul style="list-style-type: none"> <li>Maximise retention of existing mature vegetation adjacent the Ocean Drive and Bonny View Drive intersection.</li> <li>Maximise retention and regeneration of existing native vegetation in the north-east corner of the site (C2 zoned lands).</li> <li>Supplementary ground plane planting to be undertaken to provide for filtered views of the high school campus.</li> <li>Signage and fencing is to be integrated with the retained vegetation.</li> </ul> |

### 10.3 Conclusion - social and economic benefits

The site is adjacent to existing developed urban areas and the Lake Cathie-Bonny Hills Urban Release Area, with the locality generally undergoing expansion and improvement to services and infrastructure to support this growth.

Social and economic benefits for the locality will be positive as this Planning Proposal will:

- Deliver a social service (education) that is adjacent to the existing and future residential communities at a locality that is predicted to grow to a population of approximately 10,000 people by 2036.
- Create an additional 125 equivalent full-time teaching and support staff jobs. The education and training sector has been identified in the LCBH UGMS as a key employment industry both now and in the future and will likely be the largest place of employment in the LCBH URA.

- Deliver improved infrastructure that will contribute to the extensive pedestrian/bike network currently under construction within the Lake Cathie Bonny Hills locality. It is intended to encourage active travel modes to the school and generally throughout the locality, reducing reliance on private car usage.
- Provide for urban development at a location that can be readily serviced without significant cost and is within a developing urban context.
- Protect and conserve an area of high environmental value through introducing an C2 Environmental Conservation zone.
- Deliver a use that has shown to be compatible with residential uses, ensuring minimal conflict with the existing adjacent large lot residential development immediately to the west.
- Provide an opportunity to immediately reduce current travel requirements for students in the URA and existing Lake Cathie and Bonny Hills residential areas that ordinarily need to travel to Port Macquarie and the Camden Haven localities for high school education.

## SECTION D – Infrastructure (Local, State & Commonwealth)

Question 11- Is there adequate public infrastructure for the Planning Proposal?

### 11.1 Water

The site has frontage to the 300mm potable water main in Ocean Drive and a short section of 250mm potable water main, which reduces to a 150mm in Bonny View Drive. Recycled water may be available to the development site from the 200mm recycled water main on the opposite side of Ocean Drive, which may be suitable for toilet flushing, irrigation and any other Health Department approved use.

A water strategy and plans will be prepared for the staged development on the site at the future development application stage.

### 11.2 Sewer

King & Campbell were engaged by Council to undertake detailed design and preparation of For Construction documentation in respect to the Rainbow Beach Sporting Fields, Lake Cathie. Construction of the Rainbow Beach Sporting Fields has commenced<sup>5</sup>.

To co-ordinate future sewerage infrastructure for the subject site and the adjacent HMDEL with the imminent construction of the Rainbow Beach Sporting Fields, a landowner offer to fund additional sewer works was made to Council on 21 May 2021 (refer Appendix P).

The offer included "For Tender" Design Documentation for Gravity Sewer Lines A & B, which provides for the construction of a gravity sewer line (Gravity Sewer Line B) in conjunction with the construction of

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<sup>5</sup> At the time of writing the original Planning Proposal. The Rainbow Beach Sporting Fields, Lake Cathie were opened for use in August 2023.

the Rainbow Beach Sporting Fields. This co-ordinated construction will minimise any future disturbance to the completed Sporting Field Precinct and provide for the connection of the future Bonny Hills Catholic High School with Council's sewerage network.

The proposed sewer augmentation will include under-boring the C2 zoned lands and the Ocean Drive road reserve, assuring minimal environmental impact.

The Landowner offer to fund the construction of Gravity sewer Line B was accepted by Council on 21 May 2021 and the works have been included in the contract for the construction of the Rainbow Beach Sporting Fields (refer Appendix P).

The proposed high school campus will generate approximately 48 ETs that will be serviced by connection to the sewer gravity main currently under construction in the Rainbow Beach Sporting Fields. The capacity of the downstream sewerage infrastructure within the SVF land has been reviewed and has sufficient capacity for the proposed high school campus. There will be further consultation with Council's Water and Sewer section and SVF as the LCBH URA develops and the associated upgrades to water and sewer infrastructure occur.

### 11.3 Stormwater

A Concept Stormwater Management Plan accompanies this submission at Appendix N.

#### Stormwater Quantity

The site is located straddling the crest of a low ridge extending east to west across the site, resulting in a split catchment, with approximately 1/3 of the site draining to the north and then to multiple multi-cell culverts under Ocean Drive, with the remainder of the site draining southwards to an existing culvert to an existing pipe culvert under Bonny View Drive. Site regrading undertaken as part of the development will result in the catchment boundary between northern and southern catchments moving southwards, resulting in more of the site draining to the north, and less to the south.

Discharge from the site across the northern boundary joins with flows from a much larger 2.6km<sup>2</sup> catchment extending west to the Jolly Nose escarpment, and north to Houston Mitchell Drive. Flows from the upstream catchment are many orders of magnitude larger than those expected from the site, with substantial differences in the time of concentration between the site flows and those of the larger catchment (60mins for the larger catchment, and 10mins for the northern site catchment).





Figure 10 - Extent of Catchment or Northern Ocean Drive Culverts

Modelling of the pre and post development stormwater flows from the site for storm events up to the 1% AEP for each of the pre and post development scenarios confirm that detention facilities are not warranted due to the reduction in contributing catchment for the Bonny View Drive culvert resulting in a reduction of the 1% AEP discharge at this location.

Separately, the smaller flows from the northern catchment joining with those of the larger Ocean Drive Culvert catchment were modelled at both the site boundary and at the Ocean Drive Culverts to demonstrate post development flows are largely unchanged at this location (ie. within the limits of the accuracy of the model and having no measurable effect on the water levels upstream of Ocean Drive.

Modelling results are presented in the table below:

|  | Pre-Development<br>(Existing) | Post-Development<br>(Proposed) |
|--|-------------------------------|--------------------------------|
| <b>Southern Catchment (At Bonny View Road)</b>     |                               |                                |
| Area (Ha)  | 6.81                          | 5.29                           |
| % Impervious                                       | 10                            | 25                             |
| Critical Duration (Min)                            | 10                            | 10                             |
| 1% Aep Discharge (L/S)                             | 3584                          | 2910                           |
|  |                               |                                |
| <b>Northern Catchment (At Boundary)</b>            |                               |                                |
| Area (Ha)  | 4.48                          | 6                              |
| % Impervious                                       | 10                            | 25                             |
| Critical Duration (Min)                            | 10                            | 10                             |
| 1% AEP Discharge (L/S)                             | 2355                          | 3296                           |
|  |                               |                                |
| <b>Northern Catchment (At Ocean Drive Culvert)</b> |                               |                                |



|                                      |       |         |
|--------------------------------------|-------|---------|
| Area (Km <sup>2</sup> )              | 2.6   | 6       |
| % Impervious (Weighted Average)      | 10    | 10.25   |
| Critical Duration (Min)              | 60    | 60      |
| 1% AEP Discharge (M <sup>3</sup> /S) | 50.00 | 50.16 * |

Change in 1% AEP discharge between pre and post development discharge shows a < 1% increase in peak flows which is within the limits of accuracy of the model and does not result in a measurable change in water levels upstream of the Ocean Drive culverts.

### Stormwater Quality

Stormwater quality will be provided using stormwater quality improvement devices such as SPEL Basins or similar to provide stormwater treatment for carpark and roadway areas to meet the targets and objectives set out in AUSPEC D7.

## 11.4 Roads, access and transport

A site-specific Traffic Engineering Report has been prepared by the TPS Group to accompany this Planning Proposal at Appendix I.

This report considers the staged development of the site for a high school campus for 1,200 students, where the roundabout at the Ocean Drive and Bonny View Drive intersection and the underpass will both be provided as part of the stage 1 works. The school is anticipated to be operating at full capacity by 2030.

The report is supported by a suite of plans at Appendix O that illustrate the road, public transport and active transport connections (pedestrian/ cycleways) that are existing and that are proposed as part of this Planning Proposal.

The Traffic Engineering Report has been undertaken in the context of transport and traffic engineering requirements over the period to 2040, being 10 years following completion of the development and has considered the requirements of PMHC set out in their pre-lodgement meeting minutes of 19 January 2021 and correspondence from Transport for NSW dated 23 April 2021. A response to the matters raised by PMHC and TfNSW is provided at pages 41 to 43.

In summary the Traffic Engineering Report concludes that the proposed development concept plan is appropriate, and sound having regard to relevant standards and should be approved with respect to transport planning and traffic engineering matters (p. 43)

Specifically, in relation to the connectivity of the site with existing and future residential areas, the proposed roundabout, underpass and minor extension to the existing path network within the Central Corridor will ensure the effective integration of the school campus with the locality.

### PMHC Draft Road Corridor Strategy (draft Corridor Strategy) (Bitzios Consulting, 2021)

The draft Corridor Strategy considers all road users and focuses on:

- Preserving the corridor

- Setting out a broad design framework for future upgrades
- Defining priorities for further road maintenance, operation and safety
- Considering the communities it serves and planned growth across the region (Bitzios 2021)

Community consultation undertaken in 2020 identified future potential schools on the subject site and the eastern side of Ocean Drive, and the Houston Mitchell Drive Employment Lands and the Rainbow Beach Sporting Fields Precinct along the Ocean Drive corridor in the vicinity of the subject site.

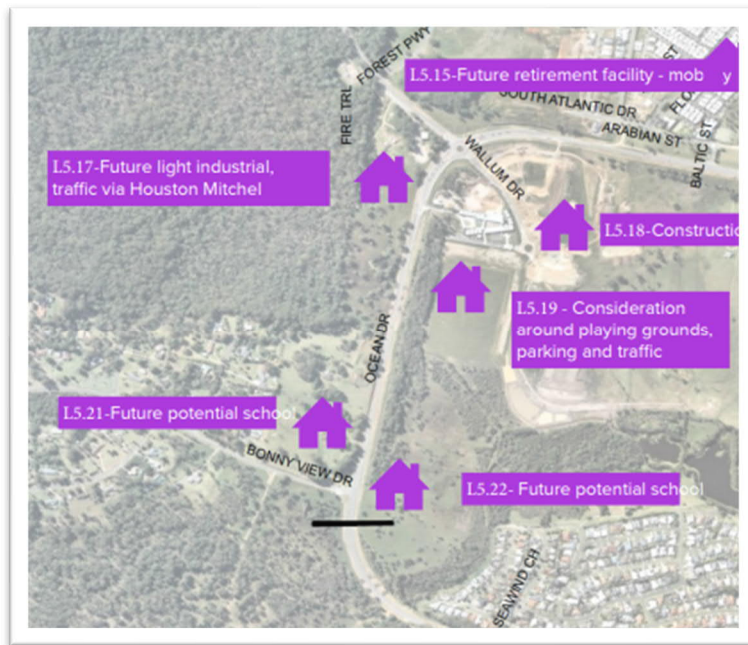


Figure 11 - Extract - PHMC Draft Road Corridor Strategy

The Draft Road Corridor Strategy was publicly exhibited in 2021 and Appendix T is a copy of the submission made on behalf of St Agnes Catholic Parish with respect to the proposed high school campus on the subject site.



Figure 12 - Extract - Section 5, PHMC Draft Road Corridor Strategy

Section 5 of the Draft Road Corridor Strategy identified Ocean Drive as having a high movement function, connecting Lake Cathie and other coastal towns in Port Macquarie.

The Draft Road Corridor Strategy also identifies an expected increase in the Place Function (ie. in the vicinity of the subject site due to the growth and development areas in Rainbow Beach).

This Planning Proposal is consistent with the draft Corridor Strategy as it:

- Preserves the Ocean Drive corridor with the primary vehicular access to the school via Bonny View Drive
- Identifies the required upgrade to the Ocean Drive/ Bonny View Drive intersection
- Identifies the need for the pedestrian underpass over Ocean Drive to safely link the proposed High School to residential areas, pathway/cycleway networks, playing fields, town centre and the coast; and
- Integrates with and supports the planned growth in LCBH URA through the provision of local high school education services.

## SECTION E – State and Commonwealth Interests

Question 12 - What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?

Should the proposal be supported, the Department of Planning and Environment's gateway determination will specify consultation requirements.

Consultation with State agencies is expected to occur with the BCD division of the Department of Planning, Infrastructure and Environment, the Office of Environment and Heritage, Transport for NSW, the NSW Rural Fire Service and the relevant electricity and telecommunications providers.

## PART 4 - Maps

Proposed map amendments to PMHLEP 2011 are described in Part 2 of this Planning Proposal and the preliminary proposed zone plan is provided at Appendix A. An extract of the existing and proposed zones is provided below at Figure 13.

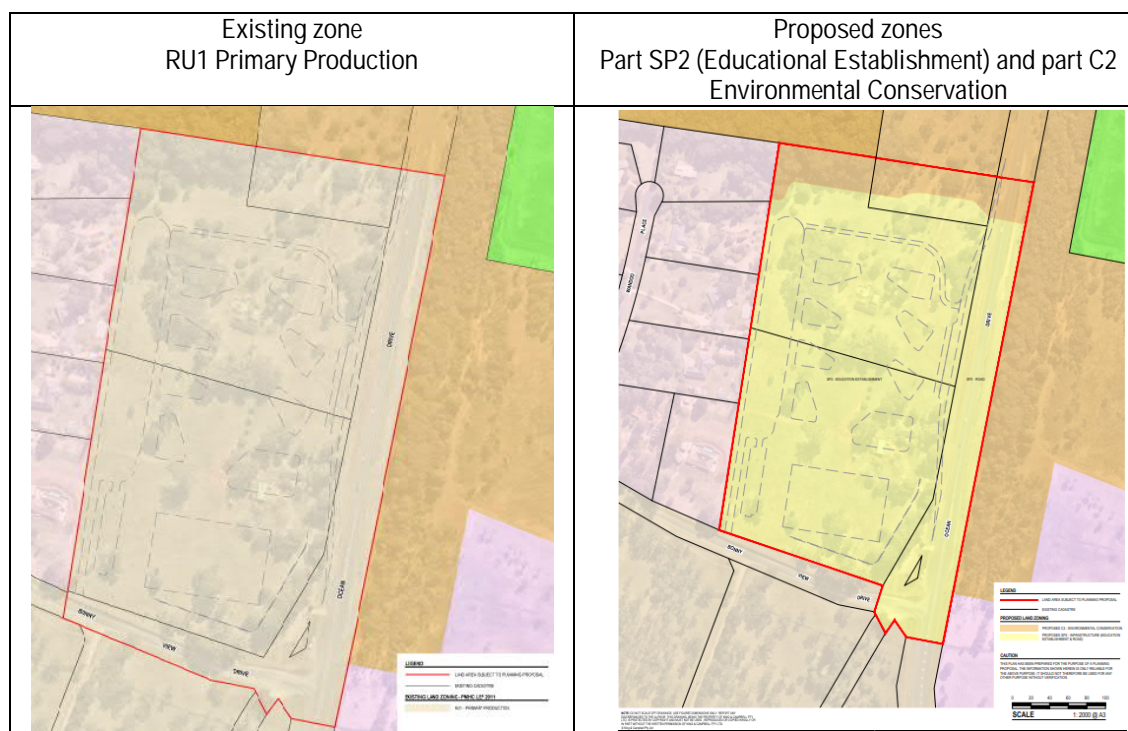


Figure 13 - Extract of the existing and proposed land zones

## PART 5 - Community Consultation

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It is proposed to undertake community consultation for 28 days including notification in a local newspaper and written notification to adjoining landowners or as otherwise required by the Gateway Determination. In addition, the exhibition material will be available on Council's website and at the Port Macquarie Administration building for the duration.

## PART 6 - Project Timeline

This project timeline is based on anticipated dates and timeframes for a standard planning proposal:

| Stage   | Timeframe and/or date          |
|---|--------------------------------|
| Consideration by Council  | February 2022 to December 2023 |
| Council decision  | December 2023                  |
| Gateway determination   | February/March 2024            |
| Pre-exhibition  | April/May 2024                 |
| Public Exhibition   | May/June 2024                  |
| Consideration of submissions                                    | July 2024                      |
| Post-exhibition review & additional studies                     | August/September 2024          |
| Submission to Department for finalisation<br>(where applicable) | October 2024                   |
| Gazettal of LEP amendment                                       | November/December 2024         |

END OF PLANNING PROPOSAL