



Mr Ashley Lindsay
General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Dear Mr Lindsay

Planning Proposal PP_CLARE_2017_007_00] to amend Clarence Valley Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to rezone part of Lot 2 DP 598769, School Road, Palmers Island to facilitate the development of a marine based industry.

As delegate of the Minister for Planning, I have now determined the Planning Proposal should not proceed for the reasons in the attached Gateway determination.

The proposed site at Lot 2, DP 598769 School Road, Palmers Island is not considered appropriate for the development of a marine based industry due to the following reasons:

- although the Planning Proposal indicates that noise generated from the site can be sufficiently attenuated to comply with the NSW Industrial Noise Policy, the attenuation methods (8m by 300m wall) produce a significant visual impact on the area and is unlikely to be practical for the design life of the development;
- the proposed development is not consistent with North Coast Regional Plan 2036 which supports clusters of economic activity, and promotes development in accordance with a local strategy. It is noted that the proposal is inconsistent with the Clarence Valley Industrial Lands Strategy 2007 which also supports the clustering of marine businesses;
- the proposed development is not consistent with the Marine Based Industry Policy – Far North Coast and Mid North Coast NSW as the subject site does not meet the criteria of the Marine Based Industry Policy since it is affected by acid sulfate soils, and the development will lead to land use conflict. The policy also encourages 'clustering' of marine precincts rather than individual developments;
- the proposed development is inconsistent with SEPP 71 – Coastal Protection as the type, bulk, scale and size of development is not appropriate for the location;
- the proposed development is inconsistent with section 117 Direction 1.2 Rural Zones as the proposal does not satisfy the criteria for location of marine based

industry precincts and is not consistent with the North Coast Regional Plan 2036;
and

- there is no demonstrated need for additional IN4 Working Waterfront or W3 Working Waterways zoned land at this location as there is suitably zoned land available for development adjacent to the existing marine based industry at Harwood.

I recognise that expansion of marine based industries in the lower Clarence is promoted throughout a number of State, regional and local planning documents. I would recommend that should Council support a dispersed cluster approach that consideration be given to identify suitable land to give clearer strategic guidance to future proposals.

Should you have any further enquiries about this matter, I have arranged for Mr Jon Stone to assist you. Mr Stone can be contacted on (02) 6701 9688.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

60/11/2017



Gateway Determination

Planning Proposal (Department Ref: PP_2017_CLARE_007_00): to rezone part of Lot 2 DP 598769, School Road, Palmers Island to facilitate the development of a marine based industry.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Clarence Valley Local Environmental Plan (LEP) 2011 to rezone part of Lot 2 DP 598769, School Road, Palmers Island to facilitate the development of a marine based industry should not proceed for the following reasons:

1. there is no demonstrated need for additional zoned land in this location;
2. it is inconsistent with:
 - a. the Clarence Valley Industrial Lands Policy,
 - b. the North Coast Regional Plan 2036; and
 - c. the Marine Based Industry Policy – Far North Coast and Mid North Coast NSW;
3. it is inconsistent with SEPP 71 – Coastal Protection, and section 117 Direction 1.2 Rural Zones; and
4. the potential noise and visual impacts on the amenity of the surrounding locality are considered unacceptable.

Dated 10th day of November 2017.

**Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and
Environment**

Delegate of the Minister for Planning