

## Alteration of 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 Acting Secretary of the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 10 November 2017 for the proposed amendment to the Clarence Valley Local Environmental Plan 2011 as follows:

1. Delete:

'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.'

2. Insert the following:

'I, the Acting Secretary of the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(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 proceed subject to the following conditions:

1. Prior to community consultation the following studies are to be undertaken and attached to the planning proposal:
  - (a) a flood impact study, indicating the extent of water displacement by any required fill, noise attenuation wall and the impacts on surrounding premises;
  - (b) a preliminary site investigation for contamination; and
  - (c) a study of the impacts of the proposed slipway and basin on the hydrology, bank stability and aquatic habitat at the site, detailing any remediation works which may be required.
2. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days;
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016); and
  - (c) letters are to be sent to residents who reside within a 2 kilometre radius of the subject land.
3. Consultation is required with the following public authorities and organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - NSW Roads and Maritime Services;
  - NSW Department of Industry (Fisheries);
  - NSW Department of Industry (Agriculture); and
  - NSW Office of Environment and Heritage.

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

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The time frame for completing the LEP is to be 12 months following the date of the Alteration of Gateway determination.

Dated 14<sup>th</sup> day of August . 2018.



**Liz Develin**  
**Acting Secretary**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**