

DATE OF ADVICE	Tuesday 3 April 2018
PANEL MEMBERS	Garry West (Chair), Stephen Gow, Pamela Westing
APOLOGIES	None
DECLARATIONS OF INTEREST	Panel Members Andrew Baker, Jim Simmons and Jason Kinglsey all declared a conflict of interest having previously been involved in the review of the planning proposal in their roles as Councillors.

GATEWAY REVIEW

2018NTH008 – Clarence Valley - PP_2017_CLARE_007_00 at Lot 2, DP 598769 School Road Palmers Island (AS DESCRIBED IN SCHEDULE 1)

Reason for Review – a determination has been made that:

- ☒ the planning proposal should not proceed
- ☐ the planning proposal should be resubmitted to the Gateway
- ☐ has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered

PANEL CONSIDERATION AND RECOMMENDATION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that:

- ☒ The planning proposal **should** proceed past Gateway in accordance with the original submission
- ☐ The planning proposal **should not** proceed past Gateway

The decision was Unanimous.

ADVICE AND REASONS FOR THE RECOMMENDATION

The Panel is satisfied that the applicant has demonstrated the need for additional zoned land in this location for the purpose proposed, because:

- The zoned land at Harwood is not practically available for the proposed use due to land ownership, access limitations, and operational requirements of the planning proposal.

The Panel believes that the planning proposal is not inconsistent with the North Coast Regional Plan 2036, which encourages clusters of related activity but does not define the term “cluster” specifically.

The Clarence Valley Council’s publication “Clarence Marine Precinct 2010” advocates that a broad view be taken of a “precinct” and identifies that there are to be “development possibilities located between the river mouth at Yamba and the City of Grafton.”

The Panel believes that the planning proposal is consistent with the Clarence Valley Industrial Lands Strategy, which identifies the potential for a Marine Industry Cluster which would involve a geographically concentrated marine industry precinct, facilitating greater interaction between businesses

and efficiency advantages. The Strategy does not require that such industries be co-located or immediately adjacent to each other.

The Panel considers that, taking a strategic overview of the area, the planning proposal does represent a clustering of like industries in the locality of the Lower Clarence, affording the benefits aimed for in the Strategy.

The Panel believes that the planning proposal is not consistent with the “Marine-Based Industry Policy – Far North Coast & Mid North Coast NSW 2015.” The proponent for the proposal has submitted sufficient information to indicate that relevant impact criteria can be adequately ameliorated, managed or offset. These issues can be addressed at the development application stage.

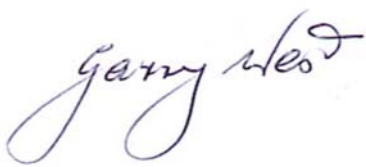


The Panel considers that the planning proposal is not consistent with State Environmental Planning Policy No.71 – Coastal Protection. The only identified criteria that the planning proposal was considered inconsistent with was Clause 2k regarding the type, bulk, scale and size of development. The planning proposal requires a waterfront location which in the area is typically flat and some visual impact is unavoidable. The proposal before the Panel is an indicative proposal, not a development application. The Panel considers that the actual bulk, scale and size of development and any proposed amelioration thereof should be addressed at the development application stage.

The Panel recognises that the planning proposal is inconsistent with the Section 117 Direction 1.2, but the Panel believes that the inconsistency is justified because the planning proposal requires access to a navigable waterway, potentially it would provide significant economic benefits, and the area involved in the planning proposal means its conversion to non-agricultural uses would have an insignificant impact on the agricultural activity in the Clarence Valley.

The Panel believes that the potential noise and visual impacts of the planning proposal can only be determined when the actual nature and scale of a development is known, and these impacts should be considered at the development application stage. Notwithstanding, the proponent for the proposal has submitted sufficient information to indicate that criteria for noise and visual impact can be adequately met, ameliorated or managed.

CONCLUSION:

The Panel is satisfied that planning proposal has strategic and site specific merit and that it should proceed past Gateway for further assessment and consultation.

PANEL MEMBERS	
 Garry West (Chair)	 Stephen Gow
 Pamela Westing	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2018NTH008 – Clarence Valley - PP_2017_CLARE_007_00 at Lot 2, DP 598769 School Road Palmers Island
2	LEP TO BE AMENDED	Clarence Valley Local Environmental Plan 2011
3	PROPOSED INSTRUMENT	Gateway Determination Review of planning proposal to rezone part of Lot 2, DP 598769 School Road Palmers Island to facilitate the development of a marine based industry.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Gateway review request documentation • Department Justification Assessment Report
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 3 April 2018 <ul style="list-style-type: none"> ○ Panel members in attendance: Garry West (Chair), Stephen Gow, Pamela Westing ○ Department of Planning and Environment in attendance: Jon Stone, Jeremy Gray • Briefing meeting(s): 3 April 2018 <ul style="list-style-type: none"> ○ Panel members in attendance: Garry West (Chair), Stephen Gow, Pamela Westing ○ Proponent representatives in attendance: Bill Collingburn, Rob Donges, Simon Priestley ○ Council representatives in attendance: David Morrison, Deborah Wray ○ Department of Planning and Environment in attendance: Jon Stone, Jeremy Gray