

Harwood Marine Industry Precinct Rezoning - Amendment to Clarence Valley LEP 2011

Proposal Title : **Harwood Marine Industry Precinct Rezoning - Amendment to Clarence Valley LEP 2011**

Proposal Summary : **The planning proposal seeks to rezone Lots 1 – 4 DP 1155528, un-notified Crown Land and adjoining accreted land at Carey's Lane, Harwood, to enable the land to be developed as a marine industry precinct.**

It is proposed that the subject land will be rezoned from RU1 Primary Production and W2 Recreational Waterways to IN4 Working Waterfront and W3 Working Waterways however the final zone configuration will be determined after consultation and investigations are completed.

The land adjoins the existing Harwood Island Slipway.

PP Number : **PP_2013_CLARE_002_00** Dop File No : **12/20697**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :
- 1.1 Business and Industrial Zones**
 - 1.2 Rural Zones**
 - 1.3 Mining, Petroleum Production and Extractive Industries**
 - 1.4 Oyster Aquaculture**
 - 1.5 Rural Lands**
 - 2.1 Environment Protection Zones**
 - 2.2 Coastal Protection**
 - 2.3 Heritage Conservation**
 - 3.4 Integrating Land Use and Transport**
 - 4.1 Acid Sulfate Soils**
 - 4.2 Mine Subsidence and Unstable Land**
 - 4.3 Flood Prone Land**
 - 5.1 Implementation of Regional Strategies**
 - 6.1 Approval and Referral Requirements**
 - 6.2 Reserving Land for Public Purposes**
 - 6.3 Site Specific Provisions**

- Additional Information :
- It is recommended that;**
- 1. The planning proposal should proceed as a 'routine' planning proposal.**
 - 2. That the following studies are completed and included with the material to be placed on exhibition with the planning proposal;**
 - a. An assessment of the type, quality and significance of the native vegetation and its habitat potential on the subject land, including the accreted foreshore, to determine whether the proposed industrial zone is appropriate or whether it warrants the retention of a rural zone or the application of an environmental protection zone over these parts of the land.**
 - b. A road access strategy to address future vehicular access issues to the site.**
 - 3. The material to be placed on exhibition is to be forwarded to the Regional Director, Northern Region of the Department of Planning and Infrastructure for review under Section 57(2) of the Act prior to exhibition.**
 - 4. The planning proposal is to be completed within 12 months.**
 - 5. That a community consultation period of 28 days is necessary.**

6. That the RPA consult with the following State Agencies
 - a. Roads and Maritime Services in relation to road access and maritime issues
 - b. NSW Office of Environment and Heritage
 - c. Department of Primary Industries – Fisheries and Aquaculture

7. It is recommended that a delegate of the Director General agree that the inconsistencies of the proposal with S117 Directions 1.2, 4.1 and 4.3 are justified in accordance with the provisions of the direction.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The development of a marine industry precinct on the Clarence River is supported by local and regional strategies.
2. The site is adjacent to an existing slipway with appropriate deep water access and is therefore consistent with the locational criteria of the Draft Marine Based Industry Policy.
3. The proposal is consistent with the broad strategic planning framework for the site however further investigation of specific site constraints and potential development impacts are necessary.

Panel Recommendation

Recommendation Date : **17-Jan-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to:
 - address vehicular access between the subject site and the surrounding local road network, and
 - assess the type, quality and significance of native vegetation and habitat found on the site. Once this additional work has been undertaken, Council may wish to revisit the proposed zoning of land within Lot 1 DP 11 55528 which contains areas of native vegetation.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning 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 LEPs (Department of Planning and Infrastructure 2012).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Fishing and Aquaculture
 - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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 timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:

M. Selman

Printed Name:

NEIL SELMAN

Date:

05/02/2013