



Office of the Director General

Mr Scott Greensill
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Our ref: PP_2013_CLARE_002_00 (12/20697)
Your ref:

Dear Mr Greensill,

Planning proposal to amend Clarence Valley Local Environmental Plan 2011

I am writing in response to Council's letter dated 21 December 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone Lots 1 – 4 DP 1155528 at Careys Lane, Harwood to IN4 Working Waterfront and W3 Working Waterways to facilitate the development of a marine industry precinct.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

It is noted that land to the south of the subject site, a triangular shaped lot adjoining Lot 4 along Careys Lane, has not been incorporated into the planning proposal. Due to the land's size and its proximity to the Clarence River, Council may wish to consider rezoning this land as part of this planning proposal. Council is to liaise with the property owner prior to including this land in the proposal.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Paul Garnett of the regional office of the department on 02 6641 6600.

Yours sincerely,


Sam Haddad
Director General 27/2/2013 .

Gateway Determination

Planning proposal (Department Ref: PP_2013_CLARE_002_00): to rezone land at Careys Lane, Harwood to facilitate the development of a marine industry precinct.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Clarence Valley Local Environmental Plan (LEP) 2011 to rezone Lots 1 – 4 DP 1155528 at Careys Lane, Harwood to IN4 Working Waterfront and W3 Working Waterways to facilitate the development of a marine industry precinct 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.

Dated 27th day of February 2013.

SHaddad

Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure