

Gateway Determination

Planning proposal (Department Ref: PP- 2023-2270): *Additional Permitted Use (Hotel and Motel Accommodation) and the application of a 9-metre building height to part of Lot 11 DP 1269790, 75-79 Spenser Street, Iluka.*

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 2011 to include an Additional Permitted Use (Hotel and Motel Accommodation) and the application of a 9-metre building height to part of Lot 11 DP 1269790, 75-79 Spenser Street, Iluka should proceed subject to the following Gateway conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 9 months of the Gateway determination date.

Gateway Conditions

1. Prior to agency and community consultation the planning proposal is to be updated to:
 - (a) amend the objective of the proposal to refer to hotel or motel accommodation; and
 - (b) clarify the flood hazard level in a probable maximum flood event that affects the land proposed to be utilised for hotel or motel accommodation.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- NSW Rural Fire Service
- Department of Climate Change Energy the Environment and Water (Biodiversity Conservation and Science - Floodplain Management Division)
- Yaegl Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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).

Dated 30 August 2024

A handwritten signature in black ink, appearing to read 'J. Gray', is centered on the page.

Jeremy Gray
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces