

Gateway Determination

Planning proposal (Department Ref: PP_2019_TWEED_003_00): to permit a restaurant or café, hotel or motel accommodation, a function centre and a carpark as additional permitted uses with consent on Lot 100 DP 1208306 and Lots 1 and 2 Section 4 DP 29748, on the corner of Tweed Coast Road and Cypress Crescent, Cabarita.

I, the Director Regions, Northern at the Department of Planning, Industry and Environment, 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 Tweed Local Environmental Plan (LEP) 2014 to permit a restaurant or café, hotel or motel accommodation, a function centre and a carpark as additional permitted uses with consent on Lot 100 DP 1208306 and Lots 1 and 2 Section 4 DP 29748, on the corner of Tweed Coast Road and Cypress Crescent, Cabarita, should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016) and must be made publicly available for a minimum of **14 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016).
2. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service 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.
3. 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).

4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 6 day of August 2019.

A handwritten signature in black ink, appearing to read 'J Gray', with a stylized, flowing script.

Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces