

Gateway Determination

Planning proposal (Department Ref: PP_2018_PORTS_005_00): to permit a service station at 2A and 2B Lavis Lane, Williamtown.

I, the Director Regions, Hunter at the Department of Planning 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 Port Stephens Local Environmental Plan (LEP) 2013 to permit a service station at 2A and 2B Lavis Lane, Williamtown should proceed subject to the following conditions:

1. Prior to exhibition, Council is to update the planning proposal:
 - (a) with the results of the proposed contamination assessment and include advice that demonstrates that the Environment Protection Authority is satisfied that there is either no contamination risk or that the contamination risk can be appropriately managed; and
 - (b) to show the adopted Greater Newcastle Metropolitan Plan 2036 Williamtown catalyst area map.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (c) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
 - (d) 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Roads and Maritime Services;
 - Environment Protection Authority;
 - Rural Fire Service;
 - Office of Environment and Heritage; and
 - Department of Defence.

Each public authority/organisation 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.

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).
5. 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.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 13th day of May 2019.



Monica Gibson
Director Regions, Hunter
Planning Services
Department of Planning and
Environment

Delegate of the Minister for
Planning and Public Spaces