

Mr Tim Crosdale
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Our ref: IRF23/3113

Dear Mr Crosdale

Planning proposal PP-2023-2568 to amend Port Stephens Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) on 17 November 2023 in respect of the planning proposal to insert the coastal risk planning clause and maps.

As delegate of the Minister for Planning and Public Spaces, I have determined the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 4.2. Coastal Management. Council should ensure this occurs prior to the local environmental plan being made.

I have determined not to authorise council to be the local plan-making authority because the planning proposal will develop a new policy approach for how dune transgression is addressed in local environmental plans. It will also need to be finalised following the certification of the coastal management plan by the Minister for the Environment.

The amending local environmental plan is to be finalised on or before 18 February 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Stacey Stephens, A/Senior Planning Officer, Central Coast and Hunter at the department to assist you. Ms Stephens can be contacted on 9228 6239.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal line extending to the right.

23 February 2024

Dan Simpkins

**Director, Central Coast and Hunter
Planning, Land Use, Strategy and Housing**

Encl: Gateway determination