

Gateway Determination

Planning proposal (Department Ref: PP-2025-874): amendment to Port Stephens Local Environmental Plan 2013 to facilitate changes to Appendix 2 of State Environmental Planning Policy (Precincts – Regional) 2021 – Tomago Industrial site.

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 Port Stephens Local Environmental Plan 2013 to facilitate changes to Appendix 2 of State Environmental Planning Policy (Precincts – Regional) 2021 – Tomago Industrial site should proceed subject to the following:

The LEP should be completed within nine months of the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be amended to:
 - (a) state that it seeks to amend the Port Stephens Local Environmental Plan 2013 in order to alter State Environmental Planning Policy (Precincts – Regional) 2021
 - (b) remove 'Specialised Industrial Retail and Hire Premises' as a proposed additional permitted use and include a new clause clarifying the nature of 'Specialised retail premises' permitted in the zone.
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
 - (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 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 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 18 December 2025

A handwritten signature in black ink, appearing to be 'Craig Diss', with a small dot above the 'i'.

Craig Diss
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