

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

Via email: molly.compton@portstephens.nsw.gov.au

18 December 2025

Subject: PP-2025-874 to amend Port Stephens Local Environmental Plan 2013

Dear Mr Crosdale

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) which seeks to amend the Port Stephens Local Environmental Plan 2013 to facilitate changes to Appendix 2 of State Environmental Planning Policy (Precincts – Regional) 2021 – Tomago Industrial site.

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

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act, Directions 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.5 Acid Sulfate Soils and 5.1 Integrating Land Use and Transport is justified in accordance with the terms of the Directions. No further approval is required in relation to the Directions.

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, including Directions 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

I have determined not to authorise Council to be the local plan-making authority as the proposal requires an amendment to a State Environmental Planning Policy.

The amending local environmental plan (LEP) is to be finalised within nine months of the date of the Gateway determination. 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* (Department of Planning, Housing and Infrastructure, 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 Ms Kate Campbell to assist you. Ms Campbell can be contacted on 5778 1401 or via kate.campbell@planning.nsw.gov.au

Yours sincerely



Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support

Encl: Gateway determination