



Planning

Mr Peter Gesling
General Manager
Port Stephens Council
PO BOX 42
Raymond Terrace NSW 2324

10/23144

Dear Mr Gesling,

**Pending LEP – Draft Port Stephens Local Environmental Plan 2000
100 Salamander Way, Salamander Bay**

I refer to your Council's letter of 1 October 2010, requesting that the above draft LEP be converted to a planning proposal under the current Part 3 provisions.

I am writing to notify you that I have determined, as the delegate of the Director General, that this LEP Amendment will not be converted to a planning proposal, and will therefore lapse on 1 January 2011. In reaching this decision I have considered that there is still considerable work to be carried out before there is more certainty about the proposal and likely completion timeframes.

Council is encouraged to submit a separate planning proposal for the spot rezoning under section 54 outlining the scope of the Environmental Study, once there is more certainty as to when the further work will be carried out. The Department is of the opinion that the Environmental Study should include, but not limited to, the protection of SEPP 14 wetlands, justification of loss of open space and koala habitat, environmental offset requirements, relevant section 117 Directions and State policies and provision of infrastructure.

Previous consultation Council has undertaken with Government agencies under section 62 will be taken into consideration in the future Gateway determination when the planning proposal is submitted.

Should you have any queries in regard to this matter, please contact Mr Paul Maher of the Department's Hunter & Central Coast Regional Team on 49042700.

Yours sincerely,

Tom Gellibrand 10/12/10
Deputy Director General
Plan Making & Urban Renewal
(as delegate of the Director General)