



NSW GOVERNMENT
Department of Planning

Office of the Director General

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Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Our ref: N07/00110-1
Your ref: PSC2006-0753

Dear Mr Gesling

Re: Section 54(4) Notification – Draft Amendment to Port Stephens LEP 2000 – Salamander Way

I am writing in response to Council's letter dated 20 July 2007 advising, pursuant to section 54(4) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') to:

- reclassify and rezone Lot 21 DP 1044009, 100 Salamander Way, Salamander, for urban development and conservation purposes;
- remove Clause 52, which affects the above mentioned site, from Port Stephens LEP 2000;
- amend Clause 62 of Port Stephens LEP 2000 by removing reference to lots 50-144 DP 751013, lots 1-13 DP 734433 and lot 1 DP 810714 Salamander Way; and
- investigate the inclusion of lots 50-144 DP 751013 DP 734433 and lot 1 DP 810714 Salamander Way for closer urban settlement.

The Council should now continue with the preparation of the draft LEP.

Pursuant to section 74(2)(b) of the EP&A Act, Council is directed to comply with sections 57 and 61 of the EP&A Act in respect of the draft LEP. While no specifications have been issued for the environmental study, Council should ensure that it:

- demonstrates that SEPP 14 wetlands are able to be protected; ←
- addresses and justifies the loss of open space and koala habitat; ←
- addresses the relevant section 117 directions; and ←
- addresses the provisions and funding of infrastructure. ←

Council should prepare the draft LEP in accordance with the Department's Best Practice guideline for LEPs and Council Owned Land. If Council is intending to be the developer of this land it should consult with the Department's Coastal Assessments Branch regarding the development of a concept plan in conjunction with the environmental study, as residential subdivision of the land will eventually require a Part 3A application.

As an Authorisation is not being issued on this occasion, Council should submit the draft LEP to the Department seeking a section 65 certificate.

Where any applicable section 117 direction requires the Director General to form an opinion or be satisfied as to certain matters, you need to ensure that this issue is addressed in submitting the draft LEP under section 64.

Please forward a copy of the draft plan and any other information to be publicly exhibited in respect of the draft LEP to the Regional Office with advice to the Department as required under section 64 of the Act when seeking a section 65 certificate.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely

S Haddad

Sam Haddad
Director General

30/8/2007.