

Department of Planning 54(4) Response Dated 4 February 2009



NSW GOVERNMENT
Department of Planning

Office of the Director-General

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Mr Kerry Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Our ref: C07/00010
Your ref: F2007/00274

Dear Mr Yates

Re: Section 54(4) Notification – Draft Amendment to Wyong LEP 1991

I am writing in response to your Council's letter dated 18 December 2008 advising, under 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 rezone a 554 hectare site from 1(c) Non Urban Constrained Lands, 2(a) Residential, 5(a) Special Uses (education related), 5(c) Local Road Reservation, 6(a) Open Space, 7(b) Scenic Protection, 7(g) Wetland and 10(a) Investigation Precinct to residential, industrial, open space, recreation, environmental and business uses.

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

Under section 74(2)(b) of the EP&A Act, Council is directed to comply with sections 57 and 61 of the EP&A Act with this draft LEP. The environmental study should provide a synthesis of the outcomes of Council's extensive list of proposed environmental studies and the outcomes of the North Wyong Shire Structure Plan and the Department of Environment and Climate Change's Regional Conservation Plan. One of the key issues that must be addressed is flooding. Council must be able to demonstrate that development arising from the proposed draft LEP would not adversely affect downstream flooding.

Consultation with the Department under section 62 of the Act is not required for this plan. However, the Darkinjung Local Aboriginal Land Council is to be included as a body to be consulted under s.62.

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

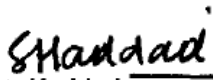
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Council should ensure that relevant section 117 Directions are adequately addressed prior to exhibition of the draft plan. Where any applicable section 117 direction requires the Director-General to form an opinion or be satisfied as to certain matters, 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


Sam Haddad
Director-General

4/2/2009.