



By email: Bruce.Petersen@portstephens.nsw.gov.au

4 May 2012

Bruce Petersen
Environmental and Development Planning
Port Stephens Council

Re: Salamander Centre

Dear Bruce

In a letter from Ms Carmel Foster dated 3 April, we were advised that Council will be drawing up Design Guidelines for the vacant commercial land it owns at 155 Salamander Way surrounding the existing Salamander Centre and that TRRA will be invited, along with other stakeholders, to participate in workshops to help develop these Guidelines.

We have replied to Ms Foster, indicating that we will be pleased to participate in this process, although we remain of the view that it would be preferable to draw up a Master plan for the entire Centre and adjoining land.

Please advise if planning staff will be involved in the development of the proposed Design Guidelines. We understand that you need to maintain a 'wall' between the development assessment staff who will be assessing any future DA, but this would presumably not prevent strategic planning staff from being involved?

Please also advise what view Councils' planning staff are likely to take of future applications for development of this land, particularly in light of the remarks of the Chairman of the Joint Regional Planning Panel at the hearing in February 2011 on the previous Council Subdivision DA. Chair Gary Fielding was quoted in the Examiner as having said:

“One of the main recommendations of the independent assessment is prepare a masterplan for the shopping centre and its surrounds to guide the subdivision..”
and “It is unfortunate that such a masterplan was not prepared initially by the Council.”

We are aware that a motion by Councillor Nell to prepare a Masterplan was rejected by Council on 8 March 2011. Notwithstanding this decision, we assume that Council's planning staff would still have a professional view as to how to ensure a good planning outcome for the site.

We also seek your advice on a number of specific planning matters relating to the future development of this land, taking into account the information reported to Council in April 2012 (Information Item No 1, Committee 10 April) that negotiations are under way with Fabcot Pty Ltd concerning sale of a parcel of land for development of a BigW store, potentially linked to the existing centre.

1. Please confirm that an application from Council for subdivision would need to precede any partial sale of the Council owned land, and also prior to any Development Application (DA), unless the DA was for development of the whole or part of the site by Council itself without subdivision?
2. Please confirm if any prospective development of any part of this site would be considered `designated development` either under the EP&A Act or under any other planning instrument such as a SEPP, thereby triggering Director General's requirements, and the need for an EIS/SEE to address these requirements?
3. Please confirm whether a DA for any part of the land currently owned by Council would be considered `council related` such that it would, if the value of the development exceeded \$5 million, trigger consideration by the Joint Regional Planning Panel as approval authority rather than by Council?
4. Alternatively, please confirm if it is expected that Council would be the approval authority for any DA for any part of the site, whether the DA was from a private party or from Council itself?
5. Please confirm that any DA would have to be accompanied by a Statement of Environmental Effects (SEE) and that this would have to address compliance with all relevant planning instruments, including the general provisions of the Port Stephens Development Control Plan 2007 (the DCP), including specifically Part B4 (Commercial and mixed use)
6. Please also confirm that there are no site specific provisions of the DCP that apply to this land. (We note that on 8 March 2011, Council rejected motions to prepare a Masterplan for the Salamander Commercial Precinct and a DCP for Council owned land adjacent to the Salamander Bay Shopping Centre).

Answers to the above questions will assist TRRA, and the wider community, to understand how the development assessment process might apply to proposals for the Salamander Centre precinct.

Thank you

Yours sincerely

Nigel Waters
Convenor, Planning Sub-committee
Tomaree Ratepayers and Residents Association

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