

Planning Proposal

Amendment to *Lake Macquarie Local Environmental Plan 2004*

Ramsgate Estate, Wyee Point

Local Government Area: Lake Macquarie

Name of Draft LEP: *Lake Macquarie Local Environmental Plan 2004* (Amendment No. 50)

Part 1 – Objective of the Planning Proposal

The objective of this Planning Proposal is to amend *Lake Macquarie Local Environmental Plan 2004* (*LMLEP 2004*) to facilitate the urban development and conservation of a paper subdivision known as Ramsgate Estate, Wyee Point. The Planning Proposal also seeks to reclassify 71 allotments from community to operational to facilitate the appropriate development of the site. In addition, this Planning Proposal seeks to remove 44 allotments from the Land Acquisition Map within *LMLEP 2004*.

Ramsgate Estate is located at the southern end of Lake Macquarie, with approximately 1.5km of foreshore to the lake and a SEPP 14 Wetland along the northwestern boundary. A location map has been included as Appendix 1. Residential allotments adjoin the site to the east, with rural residential lands to the south, and the former Morisset Hospital site to the northwest. A map showing the study area and the adjoining land uses has been included as Appendix 2.

The subject land was subdivided on paper for residential purposes on 6 November 1885. The subdivision resulted in 608 allotments with an average lot size of 400m² and a network of 12 streets. Some initial site clearing and the preliminary construction of roads occurred shortly after the registration of the plan. However, the development of the site was aborted due to a dispute with the owner of the adjacent land over legal access. This resulted in the adjacent land being subdivided in 1887 with a narrow triangular allotment along the common boundary, and a street network out of alignment with those on Ramsgate Estate. The ownership distribution within the Estate is highly fragmented with 146 allotments owned by Council, 368 allotments owned by F.T.L.R Pty Ltd, and the remaining 93 lots owned by 31 individual private landowners.

In 1987, Council indicated support for the development of the land by inserting Schedule 2 in *Lake Macquarie Local Environmental Plan 1984*. This amendment permitted dwelling houses with consent provided lots had access to water and sewerage services, and a minimum site area of 800m². These amendments to Schedule 2 of *LMLEP 1984* facilitated the development of the land adjoining Ramsgate Estate utilising the existing subdivision pattern. It should be noted that water facilities were available at the time from the existing services in the adjoining Wyee Point Estate. Negotiations were undertaken with Wyong Shire Council who granted an approval in principle for effluent to be treated at the Mannering Park Waste Water Treatment Plant. However, prior to the implementation of the plan, the Department of Public Works and the Hunter Water Corporation included the Wyee Point Estate in the Fringe Area Sewer Scheme. This scheme required the approval of adjoining landowners for the construction of the sewer rising main to the Dora Creek Waste Water Treatment Plant on their land.

At the gazettal of *Lake Macquarie Local Environmental Plan 2004*, negotiations with the adjoining landowners were in a stalemate. This, in conjunction with an increased awareness of the environmental attributes of the site, resulted in Council zoning the subject land a combination of 5 Infrastructure, 6(1) Open Space, 7(1) Conservation (Primary), 7(3) Environmental (General) and 10 Investigation. A map indicating the current zoning has been included as Appendix 3.

Rezoning

A map and table identifying the lots subject to the rezoning has been included in Appendix 4 and 5. It is proposed to rezone the area subject to rezoning to a mixture of 2(1) Residential, 7(1)

Conservation (Primary), and 7(5) Environmental (Living) as per Appendix 6. It is anticipated that the proposed 2(1) Residential and 7(5) Environmental (Living) zoned areas will yield approximately 150 allotments.

The areas of the existing zonings and the distribution by area into the proposed zones are:

Existing Zone	Area (ha)	Proposed Zone	Area (ha)
5 Infrastructure	0.07	2(1) Residential	0.07
6(1) Open Space	1.8	7(1) Conservation (Primary)	1.8
7(1) Conservation (Primary)	6.65	7(1) Conservation (Primary)	6.55
		7(5) Environmental (Living)	0.10
7(3) Environmental (General)	0.08	2(1) Residential	0.08
10(a) Investigation	28.55	2(1) Residential	11.08
		7(1) Conservation (Primary)	9.73
		7(5) Environmental (Living)	7.74

It is important to note that the development of the site utilising the current subdivision pattern will result in unacceptable environmental, social, and economic outcomes. As such, the development of the land will require a new subdivision pattern to be designed and approved, resulting in a redistribution of land ownership. The resolution of issues surrounding the redistribution of land ownership is proposed to be resolved prior to the lodgement of any subdivision application. Any proposal to redistribute land-ownership within the Estate will be developed in consultation with the landowners.

Due to the complexities behind the creation of a revised subdivision layout, and any redistribution of land-ownership, it is likely that the provisions of *Environmental Planning and Assessment Bill 2008* relating to paper subdivision may be required.

Reclassification

It is proposed to amend Schedule 3 of *Lake Macquarie Local Environmental Plan 2004* to reclassify 70 lots in DP 1596, and Lot 1 in DP 124592 from community to operational. A map and table identifying the allotments subject to the reclassification are located in Appendix 7 and 8 respectively.

The purpose of the proposed reclassification of the land to an operational status is to enable to orderly development of the site. Specifically, it has been identified that issues are likely to arise with the aforementioned redistribution of land ownership in order re-subdivide the allotments into a more appropriate development layout. In addition, the proposed operational status of the land may assist in any biodiversity offset credit arrangement. It has been identified that it may be appropriate to consolidate allotments within the proposed 7(1) Conservation (Primary) zone, to enable the management of the land to be undertaken by a single entity.

It is important to note that at the completion of the development of Ramsgate Estate, Council may seek to reclassify all land within its ownership within the 7(1) Conservation (Primary) zone to community. Any future reclassification will be subject to a separate Planning Proposal.

Council first registered an interest in the land to be reclassified in 1958. Of the 70 allotments proposed to be reclassified to operational, 38 were acquired by Council at an agreed price on the open market, 21 allotments were resumed by Council, and 1 allotment was acquired by Council for

non payment of rates under the *Local Government Act*. The remaining 10 allotments subject to the proposed reclassification have been erroneously classified as community, whilst being within private ownership. A table indicating how Council registered an interested in the land to be reclassified has been attached as Appendix 9.

Land Acquisition Map

It is proposed to amend the Land Acquisition Map within *Lake Macquarie Local Environmental Plan 2004* to remove Council's acquisition liability over 44 allotments within the 7(1) Conservation (Primary) zone. A map and table identifying the allotments subject to amendments to the Land Acquisition Map may be found in Appendix 10 and 11 respectively.

The objective behind the removal of the land acquisition liabilities is to ensure that all landowners within the 7(1) Conservation (Primary) are treated equitably as part of any land-ownership redistribution. After detailed investigations, Council staff have concluded that the application of the land acquisition liability has been applied in an ad-hoc manner, with certain lots identified for acquisition, whilst adjoining land within the same ownership with similar property conditions, have not.

Upon completion of the development and the exhaustion of the vegetation management plan required under any offset agreement, it is Council's long-term intention to hold title over all land zoned 7(1) Conservation (Primary) within the subject site. This may require future amendments to the Land Acquisition Map within Council's LEP.

Part 2 – Explanation of Provisions

The amendment proposes the following changes to *Lake Macquarie Local Environmental Plan 2004*:

Amendment Applies to:	Explanation of Provision
Zoning Map	Rezone the site from 5 Infrastructure, 6(1) Open Space, 7(1) Conservation (Primary), 7(3) Environmental (General), and 10 Investigation to a mixture of 2(1) Residential, 7(1) Conservation (Primary), and 7(5) Environmental (Living) as identified in Appendix 6.
Schedule 3 – Reclassification of Community Land to Operational Land	Reclassify 70 allotments in DP 1596 and Lot 1 in DP 124592 from Community Land to Operational Land as identified in Appendix 7.
Land Acquisition Map	Remove acquisition liabilities on the lots identified in Appendix 10.
Clause 62	Add <i>Lake Macquarie Local Environmental Plan 2004</i> (Ramsgate Estate) under clause (8) Interpretation, urban release area in accordance with Appendix 12.
Schedule 8	Insert the following provisions applying to all lots in DP 1596 and Lot 1 in DP 124592 within Schedule 8: A development control plan for the land must have been prepared and adopted by Council before consent is granted for any development. The development control plan must include a structure plan for the site and provisions in respect of, but not limited to: (a) The appropriate management of native vegetation

	through a Vegetation Management Plan; (b) The protection of environmentally sensitive areas including the adjacent SEPP 14 wetlands; (c) The location of hollow bearing trees to be protected within property boundaries; (d) The location of the road linking the areas zoned 2(1) Residential, and 7(5) Environmental (Living); (e) The location of the road linking the area zoned 7(5) Environmental (Living), and Larapinta Drive. (f) Measures for site specific stormwater management with due regard to mitigating any impacts on SEPP 14 Wetlands and Lake Macquarie; (g) Built form controls (setbacks, fencing, facades etc); (h) Bushfire risk management measures; (i) The visual impact of the proposed development; and (j) The appropriate staging of the development of the site.
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The Planning Proposal would result in the following changes to Draft *Lake Macquarie LEP 2012* (Council's Standard Instrument LEP):

Amendment Applies to:	Explanation of Provision
Land Zoning Map	Areas designated for: 2(1) Residential zoning will be converted to R2 Low Density Residential, 7(1) Conservation (Primary) will be converted to E2 Environmental Conservation, and 7(5) Environmental (Living) will be converted to E4 Environmental Living.
Lot Size Map	Minimum lot sizes would correspond to the proposed zoning as follows: R2 – 450m ² , E2 – 40ha, and E4 – 1200m ² .
Height of Buildings Map	Maximum building heights would correspond to the proposed zoning as follows: R2 – 8.5m, E2 – 5.5m and E4 – 8.5m
Foreshore Building Line Map	The foreshore building line map distances applying to Lots 14, 15 and 16, Section D in DP 1596 being reduced to 12m.
Sensitive Aboriginal Cultural Landscape Map	The Sensitive Aboriginal Cultural Landscape Area being extended to reflect the Potential Archaeological Deposit identified within the Local Environmental Study.

Land Acquisition Maps	Remove acquisition liability in accordance with Appendix 7.
Additional Local Provisions	Insert the following into Part 7 Additional Local Provisions: 7.16 Land at Wyee Point (Local) (1) The objective of this clause is to ensure that the redevelopment of the Wyee Point paper subdivision site is developed in accordance with sound planning principles that recognise the site constraints and the requirement for integration with adjoining urban areas. (2) This clause applies to land at Wyee Point being All Lots in DP 1596, and Lot 1 in DP known as Ramsgate Estate. (3) Before granting consent to development to which this clause applies the consent authority must be satisfied that: (a) Road linkages through environmentally sensitive areas linking E4 zoned lands to Larapinta Drive and other residential areas are appropriately located.
Flood Control Map	Update Flood Control Land Map to reflect findings identified within the Local Environmental Study.
Urban Release Area	Update Urban Release Area Map to reflect the subject land in accordance with Appendix 12.

Part 3 – Justification for the Provisions

A. NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

1.1 Rezoning

The proposed Planning Proposal is not the result of a strategic study or report, although the land is identified in *LMLEP 2004* for investigation for urban and conservation purposes. A comprehensive Local Environmental Study (LES) has been undertaken by Council to assess the potential of the site to be utilised for urban purposes. The LES and the associated background studies were undertaken in 2009 - 2010, and are consistent with all relevant legislation, and industry standards.

The LES concluded that based on a comprehensive environmental assessment that the subject site is suitable for rezoning to a mixture of 2(1) Residential, 7(1) Conservation (Primary), and 7(5) Environmental (Living).

The LES found the northern part of the site adjacent to Lake Macquarie has a high level of constraints and should be conserved for its environmental qualities. The southeastern part of the site adjoins the existing residential area of Wyee Point and has been identified suitable for residential development. The southwestern part of the site has been identified as suitable for lower-density environmentally sustainable residential development with an appropriate vegetation management.

Overall, the LES considered that the proposed zones offer a balance between the economic, social, and environmental issues identified from the aforementioned specialist studies, and provides an appropriate planning outcome. The following specific issues were assessed as part of the LES.

Aboriginal Archaeology

An Aboriginal Cultural Heritage Assessment for the subject site was carried out by RPS Harper Somers O'Sullivan (RPS HSO). The report details an archaeological assessment for Aboriginal cultural heritage. A review of the documentary evidence included a search of the Department of Environment, Climate Change and Water's Aboriginal Heritage Information Management System (AHIMS) database. The archaeological pedestrian survey of the site was conducted on 6th July 2009 in the presence of Koopahtoo Local Aboriginal Land Council (KLALC) and Awabakal Traditional Owners Corporation (ATOAC) officers.

Shell midden material was found to occur extensively across the site in proximity to the foreshore. However, no stone artefacts were located on the site. The shell midden was seen to occur along the foreshore as an intermittent band and along an elevated terrace line associated with the foreshore and parallel to it at more discrete intervals. One other isolated deposit of shell was also observed on the mid-slope approximately 80 to 100 metres from the foreshore.

Two Aboriginal cultural heritage sites were identified as a result of this study:

- *RPS HSO MwP1* GDA E 361537 N 6332127 (Eastern Extent) GDA E 361046 N 6332379 (Western Extent)
- *RPS HSO M1* GDA E 361555 N 6331952

The midden with Potential Archaeological Deposit (RPS HSO MwP1) was recorded along the lake foreshore. As the same midden material is present in a number of exposures along the foreshore and to a lesser extent on the terrace, it could be assumed that the deposit is more extensive, but hidden by both vegetation and soil. To reflect this, the area was been designated as a midden with PAD with eastern and western extent coordinates. The RPS HSO midden (RPS HSO M1) was the isolated deposit recorded on a lower slope approximately 80-100 metres south from the foreshore. A map showing the location of the cultural heritage sites has been included as Appendix 13.

The Aboriginal archaeology report concluded that the areas zoned for urban uses are considered to have nil to low Aboriginal Cultural Significance. The midden located on the lower slope and the lake foreshore is considered to have low significance (*RPS HSO MwP1*) and is protected within the 7(1) Conservation (Primary) zone. The midden on the elevated terrace (*RPS HSO M1*) is considered to be of medium significance. A requirement to ensure the appropriate management of the Aboriginal Cultural Heritage of the site will be inserted into Schedule 8 of *LMLEP 2004*.

Bushfire

A bushfire report was undertaken for the proposed rezoning by Travers Environmental on behalf of a landowner group. The report considered the matters raised within *Planning for Bushfire Projection 2006*. The bushfire planning of the site concluded that the proposed development footprint is capable of supporting adequate asset protection zones, sufficient and effective access, and egress, with sufficient water supply. Further consideration of bushfire issues will be required as part of any application for subdivision of the site. A map showing the current bushfire threat levels is included as Appendix 14.

Flora and Fauna

A flora and fauna assessment was prepared for the site by Travers Environmental on behalf of a landowner group. This report was subsequently peer reviewed on behalf of Council by Eastcoast Flora Survey and Forest Fauna Surveys.

The Travers Environmental report was undertaken with regard to previous flora and fauna assessments carried out on site by Conacher Travers between 2000 and 2009. Methods used to undertake flora surveys included literature review of relevant material, databases searches, aerial photograph interpretation, targeted threatened flora and endangered ecological communities surveys, and a systematic flora survey. Surveys used a combination of systematic stratified sampling approaches including grid based assessments using 20x20 metre and 10x10 metre quadrants, 100 metre walking transects, and random meandering. Methods used to survey fauna on site consisted of review of relevant literature, database searches, and field survey techniques. Survey methods included diurnal observation, tree surveys, owl call playback, spotlighting, habitat search, stag-watching, type A and B Elliot trapping, call playback, hair tubes, Anabat 11, call detection, harp trapping, and pitfall traps. Further targeted surveys of several identified threatened species that potentially inhabited the site were also undertaken using methods such as opportunistic sightings, targeted habitat surveys, hollow tree inspections, and the inspection of markings, scratches, and diggings.

A total of 290 species of plants were observed over the course of surveys completed by Conacher Travers (2000, 2002, 2007) and Travers Environmental (2008). Six vegetation communities were also identified within the subject site. Prior reference to the Atlas of NSW Wildlife (DECC 2008) indicated that 13 species were recorded within a 10 km radius of the study area. Of those 13 threatened species, *Tetratheca juncea* was the only species observed on site during surveys. Three Endangered Ecological Communities, Swamp Sclerophyll Forest on Coastal Floodplains, River-flat Eucalypt Forest on Coastal Floodplains, and Coastal Saltmarsh were observed within the subject site. In addition, 253 hollow bearing trees containing 740 hollows were identified across the subject site.

The report identified that whilst two small clumps of *Tetratheca juncea* are located within the 7(5) Environmental (Living) zone, the development of the subject site is not likely to disrupt the habitat of a viable local population. This is based on the presence of known large populations adjacent to the site, higher quality suitable habitat in the locality, and the low number of observed plants within the site. The report recommended that the two small clumps of *Tetratheca juncea* within the areas identified for urban development should be contained at the rear of larger allotments or within small pockets of open space to ensure their viability. The retention and management of these threatened species will be identified within area plan and vegetation management plan prepared for the site.

SEPP 14 – Coastal Wetland No. 888 and No. 889 are located immediately to the west of the subject site. No physical works will be carried out on either wetland as part of the proposed development. However, due to the proximity of the development to the aforementioned wetlands, indirect impacts such as sedimentation and or stormwater runoff were considered. The LES identified that, with the use of Water Sensitive Urban Design principles in the design of stormwater management, the wetlands will be adequately protected from the impacts of altered freshwater flows. A requirement to ensure that a detailed Stormwater Management Plan ensuring the protection of the SEPP 14 wetlands has been included within Schedule 8 of *LMLEP 2004*.

With regards to the five observed threatened fauna species within the site the assessment concluded that the proposal is not likely to disrupt the life cycle of these species such that a viable local population is likely to be placed at risk of extinction.

The three Endangered Ecological Communities observed within the subject site are located wholly within the 7(1) Conservation (Primary) zone with a 20m buffer, and will be separated by a perimeter road.

Acid Sulfate Soils

The Department of Land and Water Conservation's Acid Sulfate Soil Risk Maps indicate that sections of the northern part of the site adjacent to Lake Macquarie within an Estuarine Sandplain has a high probability of having actual or potential acid sulfate soil within 1 metre of the existing surface.

A random soil sampling procedure was also undertaken across the site to determine the likelihood of encountering acid sulfate soils within the study area.

The laboratory results of the recovered samples indicated that all recovered samples fell into the 'medium soil classification' soil texture based on the Acid Sulfate Soil Manual 1998. The soil texture sets out 'Action Criteria' required for acid sulfate soils. The 'Action Criteria' sets out a level of risk, which if exceeded, triggers the need for an Acid Sulfate Soil Management Plan. The laboratory results show that four of the six samples recovered exceeded the 'Action Criteria' for a medium textured soil for POCAS Spos and POCAS TPA and TPA. Three samples exceeded the 'Action Criteria' for a medium textured soil for POCAS TSA. These results indicate that if any development were to occur in the estuarine sandplain in the northern part of the site then an Acid Sulfate Soil Management Plan would be required.

Groundwater

Records maintained by the Department of Environment, Climate Change and Water (DECCW) show that there are 22 known bores on or within a 1km radius of the site. Information is only available for three of the bores, which are to the south of the subject site. Information for these three bores indicates that all bores encountered water bearing zones at greater than about 10m. There is one bore shown on the DECCW records on the western part of the site, but no further information is available.

As part of the geotechnical assessment boreholes were undertaken on the site. Water was encountered at two locations on the foreshore area. At Borehole BH11 in the north western part of the site water was encountered at 1 metre below the surface. At borehole BH8 in the north eastern part of the site, along the foreshore, water was encountered at 600mm from the surface. At other boreholes along the foreshore area – BH10 and BH15 – no water was encountered in the boreholes (i.e. up to 1 metre). At the time of the onsite investigations it was raining on the site. It is possible that groundwater is present within the foreshore area of the site. However, in other parts of the site, particularly in the southern part of the site there is shallowish rock and gravelly clays up to 2 metres below the surface. It is unlikely that groundwater is present close to the surface in these areas.

Geotechnical Assessment

An geotechnical assessment of the subject site was undertaken by Barker Harle in 2009 as part of the Local Environmental Study . Random sampling procedures were used to recover samples from both the Doyalson and Wyong Soil Landscapes to determine soils reactivity, CBR, compaction, plastic limit, plasticity index, linear shrinkage and dispersivity (Emerson Aggregate test). Laboratory results of the erosion/soil dispersion testing indicate that the soils are slightly to non-dispersive. The soils located in the higher elevations on the site are within the Doyalson Soils Landscape are considered to be moderately dispersive. Moderate soil dispersion within the Doyalson Soil Landscape is not considered to be detrimental to any future development.

Based on the subsurface profile encountered during the fieldwork, it is anticipated that conventional excavation equipment and techniques could be used on the site. It is noted that weathered sandstone rock was encountered at depths of 0.65 and 1.5 metres across the site. If required, further geotechnical investigation to determine the excavation conditions of the sandstone rock may be undertaken. No movement of the sandstone rock nor surficial soils was identified on the site. The site was assessed as having a 'rare' potential for a soil slide/flow landslide within the alluvial soil with a 'minor' measure of consequences to property, and therefore a 'very low' risk level of instability. Excavations in the future in excess of 1.0m depth should be supported by an engineered designed retaining wall. Unretained cuts in soil should be battered in accordance with the Building Code of Australia (BCA). Fill in excess of 1.0m should be retained by an engineered designed retaining wall. Unretained fill less than 1.0m deep should be battered in accordance with the BCA. Fill should be placed in maximum 200mm deep layers and be compacted to 95% maximum dry relative density for cohesive material or 70% relative density for non-cohesive (sand) material.

The subject has been identified from the recovered soil samples as having a "Class P" classification as defined in the Australian Standard for Residential Slabs and Footings. Barker Harle have assumed that any residences built on the site would be single or double storey masonry or masonry veneer residences with a sheet metal or tile roof. Based on this assumption Barker Harle conclude that the site is suitable for a building on a slab on grade or strip footing system designed by a structural engineer, for a no less than the minimum requirement for a Class M site. Footing recommendations should, however, be reassessed following site clearing. Based on the soil profiles encountered during the assessment the site is considered suitable for the construction of both flexible and rigid pavements. The design of pavements is presented in the Barker Harle report based on a worst case CBR of 3%.

Based on the conditions of the site Barker Harle considered that any construction of a road across the drainage line in the central part of the site would be difficult and expensive. Such a linkage may need to be further investigated in the future.

Contamination

A review of the NSW DECCW's public register indicates that no statutory notices have been issued for the site under the Contaminated Land Management Act. Based on a review of the site history information, a random soil sampling procedure was used to determine contaminant concentrations across the site. Soil samples were recovered and tested for hydrocarbons (C6-C36 and BTEX), OC pesticides, PCB and metals (including Arsenic, Cadmium, Chromium, Copper, Lead, Zinc and Mercury). The samples were undertaken in accordance with the NSW Environment Protection Agency's "Contaminated Sites – Sampling Design Guidelines." The laboratory results of the recovered soil samples revealed that none of the samples exceeded the relevant guideline levels for residential land

Economic Impact Assessment

An Economic Impact Assessment (EIA) was prepared for the subject site by RPS Harper Somers O'Sullivan as part of the Local Environmental Study. The EIS estimated that if development of the subject site reaches 150 residential dwellings then the following economic impacts are likely:

- An initial effect of \$42.75 million based on estimated construction costs.
- A first round effect of \$19.5 million.
- An industrial support effect of \$18.2 million.
- A total production induced effect of \$37.7 million.
- A consumption induced effect of \$36.1 million.
- The total economic impact of the construction of the subject site to the national economy is estimated at \$119.5 million.

From this conservative estimate, the total stimulus to the local economy from the project will be approximately \$47.8 million.

It is considered that the total employment generated from the development of the site to be:

- An initial effect of 717 construction jobs.
- A first round effect of 359 jobs.
- An industrial support effect of 239 jobs.
- A total production induced effect of 598 jobs.
- A consumption induced effect of 717 jobs.

In total, the employment benefits from the construction of the subject site to the national economy is estimated at 2,032 full time equivalent positions. It considered that the development of Ramsgate Estate will have a positive effect on both the local, and national economy.

European Heritage Assessment

A European heritage assessment was prepared for the subject site by RPS Harper Somers O'Sullivan (RPS HSO). The heritage study included a desktop review and a pedestrian survey of the study area.

The report found that the only items potentially qualifying as European heritage were initial earthworks for the streets associated with the defunct 1887 Ramsgate subdivision. The field survey identified that the only evidence of European heritage was the now overgrown but definable earthworks associated with a number of streets (Ash, Sweetland, Broughton, Berwick, and White) from the original 1887 Ramsgate Subdivision. Early fencing wire that has now been incorporated into a tree trunk was seen at the junction of Sweetland and Broughton Street.

While there was a large sawmill documented in the Wyee Point area in the nineteenth century, given it was established only ten years prior to the Ramsgate subdivisions first proposal, it would be highly unlikely they would have occupied the same location. The sawmill was also recorded as having a large wharf associated with it. No evidence of a wharf was seen by the survey team and in addition, the area of Wyee Bay that fronts the Study Area appears to be shallow and would appear unsuitable for access by larger boats. No evidence of the sawmill or other items of European cultural historical significance were observed during the field survey investigation.

The report concluded that there were no items of significance on the subject site.

Servicing Infrastructure

RPS Harper Somers O'Sullivan (RPS HSO) prepared a servicing infrastructure assessment of the subject site to examine the availability and capacity of existing services in the area. The assessment was particularly focused on the capacity limits within the existing system to handle residential development on the site. As such, an assessment was undertaken for 150 and 250 lots to examine if there are likely to be any capacity restraints and therefore upgrading of the existing system to handle additional development.

Reticulated water can be provided to the proposed rezoning area by extension of mains from existing Hunter Water Corporation (HWC) water mains servicing residential areas. Consultation with and subsequent advice from HWC Sales & Business Development staff indicate that there is adequate capacity available in the existing water system to service the proposed developments. There is capacity available in the existing water system to service approximately 250 lots. Development in excess of that size may require augmentation of the water system. The developer of the site will be required to have a water servicing strategy prepared. This study will be required to address the issues listed below.

- Water main sizing
- Security of supply
- Connection points to the existing system
- Minimum pressure requirements
- Fire fighting flow requirements

Reticulated sewerage services can be provided to the proposed rezoning area by connecting sewer mains into existing HWC systems servicing adjacent residential areas. Consultation with HWC indicate that there is only limited capacity available in the existing sewer system to service the proposed development. Upgrades may be required to existing sewerage infrastructure to provide suitable services to the ultimate development. The scope of augmentation works would be based on anticipated sewer loadings in the area. The developer of the site will be required to have a sewer servicing strategy prepared. This study will be required to address the issues listed below.

- Accurate loading information

- Pump station detail (both existing and proposed)
- Connection options to the existing sewer system
- Upgrade option for Wyee Point WWPS No.1

The provision of reticulation mains to service individual developments will be funded by the developers of the site. HWC Section 62 Consultation comments state that “some connections may be allowed prior to upgrade of the existing system.” An application for a Section 50 certificate will be required to be submitted to HWC to determine requirements for the provision of sewer to the proposed developments.

Enquiries with Energy Australia (EA) indicate there is an existing electrical supply available in the area. This existing infrastructure has adequate capacity to service proposed development in the area. There are connection points to the existing 11KV mains in both Bath St and Saddlers Way. The provision of reticulation mains to service individual developments will be funded by the respective developers.

Consultation with Telstra Development Consultants indicates that there is an existing telecommunications network in Saddlers Way. This network does not currently have sufficient capacity to meet the likely demand of the proposed development. Telstra does not have any objection to development proceeding in the area.

The proposed development could be provided with telecommunication services upon the upgrade of the existing network. The technology and services that could be provided to the area would be determined at the time of development commencement. Funding of the provision of telecommunication services would be dependent upon a negotiated commercial agreement. Telstra may require the relocation of existing infrastructure in the area to prevent any damage that may occur as a result of construction activities in the area.

Jemena Gas Networks (NSW) has advised that there is no provision for the reticulation of natural gas services in the area. It is not envisaged that access to a reticulated natural gas system will become available in the immediate future.

The Servicing Infrastructure report concluded that there is sufficient capacity, or minor upgrades may be required to service the development of the site.

Social Impact Assessment

A social impact assessment for the Ramsgate Estate was undertaken by RPS HSO as part of the Local Environmental. The existing area surrounding the proposed development has relatively higher household sizes, and younger age profile which reflects a significant couple (with and without children) area, compared with the Lake Macquarie LGA. Most dwellings are detached houses and are being purchased or owned, although there are a significant proportion of renters. Most persons are Australian born residents, although parts of the surrounding area have above average levels of Indigenous persons. It is not expected that the rents and sales prices of dwellings on the site will differ to that in the wider area.

It is estimated that the proposed development may provide an additional 150 lots or 450- 480 persons (depending on household size) to the existing population of Wyee Point. There are sufficient community and recreational facilities that exist or are proposed, in the wider area to cater for the additional population. Consideration at the DA stage should be given to providing open space/play equipment in appropriate areas. Importantly, consideration should be given to providing pedestrian and cycle linkages to the existing township. Connectivity with the existing township will be an important component of future design work.

The Wyee Point relies on nearby Wyee and Morisset for most of its services. It is unlikely that this additional land will provide the stimulus to provide additional facilities. Nonetheless, connectivity to

the existing township and foreshore areas will be important. This will also provide the opportunity for future bus services to be provided. Wyee Point has grown substantially between 2001 and 2006. However, this has been from a very low base. Nonetheless, the broader area including Wyee and Mannering Park has been growing at about 2% per annum. If the areas of Blue Haven and San Remo are included then the growth rate in this area is even higher.

The average household size in Wyee Point is 3.2 and in Wyee 2.9 which is above the average for Lake Macquarie. Based on the size of the site it is estimated that up to 150 dwellings could be developed depending on the outcomes of the LES. This is likely to provide an additional 450-480 persons to the population of Wyee Point based on current household sizes. It is understood that there are no other proposed release areas in the vicinity. There are some vacant blocks in the locality which may be occupied at a later date, which, will for the purposes of this study provide little impact.

Development contributions are anticipated to be in accordance with the current development contributions plan at the time DA's are lodged, unless other arrangements (including in kind works) are negotiated between the Council and the landholders. Overall, this assessment has revealed that any development of the site is unlikely to have a significant social impact, based on available information.

Flooding Assessment

The Stormwater and Flooding Assessment was undertaken as part of the LES by Northrop Engineers. Peak flows and associated peak flood levels for the 1 in 1, 1 in 5, 1 in 10, 1 in 20, and 1 in 100 year Average Recurrence Interval (ARI) flood events were investigated. The Probable Maximum Flood (PMF) was also investigated to ensure that there is adequate egress from the lands if developed. Peak discharges were calculated using the Probabilistic Rational Method.

The Northrop report identified the potential of flooding for the site from Lake Macquarie as well as an unnamed tributary to Lake Macquarie which flows along the north western boundary of the site. The flooding assessment also investigated potential flooding from a number of minor flow paths running through the subject site. These include:

- Western tributary, a tributary on the western boundary of the site;
- Government Road;
- Western flow path, a potential watercourse running in a north – south direction in the western part of the site, east of the Western Tributary;
- Centre Flow Path, a potential watercourse running in a north – south direction in the central part of the site; and
- Eastern Flow Path, a potential watercourse running in a north – south direction in the eastern part of the site, east of the Western Tributary.

The potential for flooding from Lake Macquarie was considered particularly relevant for the subject site. A flood study by Manly Hydraulics for Lake Macquarie estimated a flood height of 1.38m AHD for the 100 year ARI flood level and 0.97 AHD for the 20 year ARI flood level.

Two scenarios were tested for the potential flooding of the Western Tributary. The first scenario is when the Lake is experiencing a 1 in 100 year flood that results in downstream control for flow derived from the Western Tributary catchment. It is considered that the peak discharge from the local catchment is extremely unlikely to coincide with the peak water level in Lake Macquarie. The flood level in this scenario was therefore considered assuming a 20 year ARI peak discharge with a 100 year ARI peak lake flood level.

The second scenario of the subject site would occur when the peak discharge from the catchment of the Western Tributary were to flow past the subject site. The peak flood level from this scenario would be influenced by the volume of rainfall runoff from the catchment and the ability of this water

to escape from the catchment to the Lake. It is considered that the peak discharge from the local catchment is extremely unlikely to coincide with the peak water level in Lake Macquarie. The flood level in this scenario was considered assuming a 100 year ARI peak discharge with a 20 year ARI peak Lake flood level. This scenario was also not considered to be as severe as the scenario above.

The scenario that is considered likely to give the highest flood level within the Western Tributary was the scenario in which the 100 year flood level from Lake Macquarie backs up into the Tributary. Whilst under this scenario there would likely be a small volume of water discharging off the contributing catchment, at a level of 1.38m AHD, the tributary would be approximately 80m wide at the narrowest point parallel to the subject site, meaning that a water level increase due to discharge would be hydraulically insignificant. It is therefore considered that the Lake 100 year ARI peak flood level could justifiably be used to estimate the 100 year ARI peak flood level within the Western Tributary, giving a flood level of 1.38m AHD.

The west flow path runs from the outlet headwall of a 375mm stormwater pipe and flows north towards Lake Macquarie. It is considered that the flows from this outlet could easily be managed using conventional drainage methods, and is therefore not considered a source of potential flooding.

The centre flow path is formed in the low point of an unformed fire trail along the southern border of the site and runs north towards Lake Macquarie. It is considered that the flows within this path could easily be managed using conventional drainage methods, and is therefore not considered a source of potential flooding. The east flow path runs near the eastern boundary of the site. The contributing catchment of this flow path is all derived from the subject site and the urban area to the east. Any development within the subject site would alter the topography of the contributing catchment and would need to consider the flows when planning and design work is undertaken. It is considered that the flows within this path could easily be managed using conventional drainage methods, and is therefore not considered a source of potential flooding.

The Probable Maximum Flood (PMF) level for Lake Macquarie was determined to be 2.63m AHD. The PMF is generally used to determine the upper limit of flooding for emergency response purposes. Currently the only accessible road from access/egress into the site is obtained is Government Road. However, Government Road, where it crosses Cobra Creek, is below the Lake Macquarie PMF. The potential for Government Road to be inaccessible during major flood events should be given due consideration in future planning for the site.

A preliminary study of the 1:25000 topographic map of the area does not identify any watercourses as flowing through the subject site. A site visit by Northrop in June 2009 did not identify any formalised watercourses running through the subject site. Further consultations with the NSW Office of Water will be required to confirm this and therefore riparian corridors may not be required.

A map showing the relevant flooding levels has been included as Appendix 14.

Stormwater Management

The Stormwater Management Assessment was undertaken as part of the LES by Northrop Engineers. The report found that stormwater management within the rezoning area should, where practical, comply with industry best practice principles for Water Sensitive Urban Design (WSUD) and sustainable water use, as well as Council's development guidelines. Council's policy requires that new developments manage stormwater such that peak developed flows are attenuated to equal, or less than, the peak pre-developed flows for all stormwater events up to and including the 100 year ARI.

Stormwater discharge towards the wetlands should be given extra consideration. The NSW Wetlands Management Policy requires that new development allow for suitable water distribution to and from wetlands. Subdivisions will generally increase the impervious area of a site which increases runoff from a catchment. Devices which will encourage infiltration of stormwater should

be incorporated into the development such that the quantity and dispersion of base flows to the wetlands is maintained at pre development levels.

In order to encourage infiltration, stormwater runoff should be managed as much as possible at the allotment level. This should be achieved, where possible, by minimising the impervious area on allotments, and through the collection of runoff in devices designed to encourage infiltration.

As a result of development it is expected that pollutant loads from the subject site would be increased. Stormwater quality improvement devices (SQUIDS) should be integrated within the development to treat stormwater runoff. It is anticipated the detail design of the SQUIDS will be undertaken at the detailed development design stages.

Sea Level Rise

The potential increase in flood levels on the site caused by climate change were investigated as part of the Flooding and Stormwater assessment by Northrop Engineers. The sea level rise assessment was conducted in accordance with Lake Macquarie City Council's Guidelines for Development in Areas Adjoining the Lake Macquarie Waterway that are Vulnerable to the Impacts of Sea Level Rise. It should be noted that at the time of undertaking the assessment the Department of Planning's Draft Guide Adapting to Sea Level Rise had not been published, although guidelines produced at the time by DECCW were considered.

The potential for an increase flood level due to an increase in rainfall intensities as a result of climate change have also been considered. DECCW's Floodplain Risk Management Guideline – Practical Consideration of Climate Change has also been considered in the analysis. This guideline recommends that a sensitivity analysis be conducted with an increase of 10%, 20%, and 30% peak in rainfall.

Council's sea level rise policy determines that an allowance of 0.91m increase in sea levels and a 0.2m increase in the Lake Macquarie flood level by the year 2111 be made for the 100 ARI flood level. As such, a 1.11 allowance for an increase in the 1 in 100 year flood level has been adopted. For the purposes of this study the adopted 1.11 potential increase in the Lake Macquarie flood level will give a 100 year flood level of 2.5 AHD by the year 2100. As noted above, this would give a 100 year flood level 2.5m AHD by 2100 for the Western Tributary. The Probable Maximum Flood event for Lake Macquarie taking into potential sea level rise would be 3.74m AHD.

All development on the site will be located above 3.74m AHD. A map showing the relevant flooding levels has been included as Appendix 14.

Traffic and Access

A traffic impact assessment was prepared for the site by Northern Transport Planning and Engineering. The objective of the traffic impact assessment was to examine the impact of any proposed development on the existing road network. The traffic assessment assumed the residential development of the site with the upper limit of 250 allotments and access from Bay and High Streets, with a potential third access point off Larapinta Drive and Saddlers Way.

Traffic generation rates were used in accordance with the RTA's Guide to Traffic Generating Development and indicative lot yields of 150 and 250 allotments were used in the analysis. For 150 lots this represents an extra 1350 trips per day and 128 trips during peak hours. For 250 lots this represents an additional 2250 trips per day and 213 trips during peak hours. An annual growth factor of 3% was applied to existing traffic flows. The SIDRA modelling outcomes included level of service, average delay, and 95% back of queue length analysis.

The modelling indicated that a 150 lot subdivision of the site would have a good to satisfactory result for all four intersections in 2019. The modelling for a 250 lot subdivision indicated all four intersections would perform to a satisfactory level in 2019.

In addition, additional analysis of potential access points at Bay and High Streets also revealed that at 2019 the intersections would be within acceptable limits of capacity as identified by AMCORD, based on an additional 250 allotments.

Visual Impact

A visual impact assessment was prepared by RPS Harper Somers O'Sullivan as part of the Local Environmental Study. The subject site is identified as a Scenic Management Zone B within Council's Scenic Quality Guidelines. RPS HSO concluded that the Planning Proposal is consistent with the objectives of the Scenic Management Guidelines for Zone B through the retention of vegetation along the foreshore in a conservation zone will maintain the natural character of the site.

Residential development would be extension of the existing Wyee Point settlement and maintain the dominant character for the foreshore in the south-west of the Lake, of urban areas interspersed with natural vegetation. It is considered that the Planning Proposal will have an acceptable visual impact on the surrounding landscape if the following three recommendations are applied.

Firstly, vegetation along the foreshore, within the existing conservation zoned lands, should be rezoned for further conservation purposes. Vegetation should be retained within the conservation zone to act as a visual screen to residential development of the site. If necessary and appropriate, the vegetation should be rehabilitated to create adequate screening coverage along the foreshore.

Secondly, prior to subdivision and development of the site, investigations should be undertaken to determine the extent of clearing required in residential zones. Where possible, trees should be retained, particularly within road reserves, and hollow bearing trees. This will help to reduce the visual impact of clearing within the site following rezoning.

In addition, a Landscape Management Plan should be provided prior to subdivision and development of any residential zones within the site. The landscape plan should particularly focus on maintaining the natural character of the foreshore and minimising the visual impact of residential development by providing screening and providing visual breaks. Landscaping of the road reserves will be particularly significant. Vegetation retention should also be considered where possible.

The Visual Impact Assessment ascertained that the identified areas are suitable for urban development. The requirement for a Landscape Management Plan to be included as part of any Development Control Plan prepared over the site is proposed within Schedule 8 of *LMLEP 2004*.

1.2 Reclassification

It is proposed to amend Schedule 3 of *Lake Macquarie Local Environmental Plan 2004* to reclassify 70 lots in DP 1596, and Lot 1 in DP 124592 from community to operational as per Appendix 7.

As stated above, the purpose of the proposed reclassification of the land to an operational status is to enable to orderly development of the site. Specifically, it has been identified that issues are likely to arise with the aforementioned redistribution of land ownership in order re-subdivide the allotments into a more appropriate development layout.

In addition, the proposed operational status of the land may assist in any biodiversity offset credit arrangement. It has been identified that it may be appropriate to consolidate allotments within the proposed 7(1) Conservation (Primary) zone, to enable the management of the land to be undertaken by a single entity.

It is important to note that at the completion of the development of Ramsgate Estate, Council will seek to reclassify all land within its ownership within the 7(1) Conservation (Primary) zone to community.

1.3 Land Acquisition

It is proposed to amend the Land Acquisition Map within *Lake Macquarie Local Environmental Plan 2004* to remove Council's acquisition liability over 44 allotments within the 7(1) Conservation (Primary) zone. A map and table identifying the allotments subject to amendments to the Land Acquisition Map may be found in Appendix 10.

The objective behind the removal of the land acquisition liabilities is to ensure that all landowners within the 7(1) Conservation (Primary) are treated equitably as part of any land-ownership redistribution. After detailed investigations, Council staff have concluded that the application of the land acquisition liability has been applied in an ad-hoc manner, with certain lots identified for acquisition, whilst adjoining land within the same ownership with similar property conditions, have not.

It is considered appropriate to remove the acquisition liabilities across the identified sites to ensure equity amongst all land owners.

1.4 Foreshore Building Line

It is proposed to amend the Foreshore Building Line Map within draft *Lake Macquarie Local Environmental Plan 2012*. This amendment applies to Lots 14, 15, and 16 in Section D in DP 1596. The current foreshore building over these allotments is current 30m, however it is proposed to reduce the setback to 12m. The reduced foreshore building line is consistent with both the setback on the adjoining lots to the east of these sites, and the dwelling constructed on lots 14 and 15, Section D, in DP1596.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal to change the land use zones, classification of certain land, and the acquisition liabilities applying to the site is the only appropriate means of facilitating the urban development, and ensuring lands of high biodiversity value are appropriately managed and conserved.

3. Is there a net community benefit?

It is considered that the Planning Proposal will result in a net community benefit. The following assessment has been undertaken:

Criteria	Planning Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The proposal is compatible with agreed state and regional strategic direction for development in the area. The subject land is located within 800m of an identified future village centre. Development of the site would resolve a long standing paper subdivision that is in fragmented ownership.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The LEP is located within the Morisset planning district. Morisset has been identified as an emerging regional centre in the Lower Hunter Regional Strategy.
Is the LEP likely to create a precedent or create or change the expectations of the	It is not likely that the proposal will set a precedent due to its current zoning for

landowner or other landholders?	Investigation for urban and conservation purposes.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	The proposal is compatible with the objectives of the current rezoning, and the existing urban development within the area.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The LEP will not facilitate a permanent employment generating activity or result in the loss of employment lands. The proposal will increase the number of households at Wyee Point making the provision of a small village centre to serve this community more viable. The Village Centre would create local employment opportunities.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will enable an increase in the available stock of residential land. It is anticipated that approximately 150 additional dwellings could be constructed on the site.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The LES has indicated that the existing public infrastructure is capable of servicing the proposed site. Public transport is available in the locality, however it is considered that the development of the site will increase demand to a sufficient level to potentially warrant additional services, improving public transport access in the area.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The subject proposal seeks to change the existing zoning of the land to enable urban development. If the additional development makes a Village Centre a viable proposition at Wyee Point, the local community would have better access to shopping facilities that provide for everyday needs, reducing the kilometres travelled by residents to buy milk, bread, newspapers etc.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are no significant Government investments in infrastructure or services in the area.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Areas of the site with high ecological values have been protected through an appropriate conservation zoning. Areas affected by other environmental factors such as flooding, Acid Sulfate Soils, and sea level rise, have also been allocated a conservation zoning.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The LEP will be compatible with the surrounding land uses. The proposed development is an extension of the existing Wyee Point township.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The LEP amendment seeks to rezone the subject property for future urban development. The subject proposal will increase the viability of the nearby commercial precinct within the township of Wyee Point.

If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The proposal is for residential development, and is not likely to develop into a centre in the future.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	If the LEP amendment does not proceed at this point in time the land will remain zoned as 10 Investigation. Additionally, due to the fragmented ownership of the site, land of significant environmental value will remain in private ownership. Furthermore, the proposal aims to clarify community expectations on a 130 year old paper subdivision.

B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

The following LEP Pro-forma Evaluation Criteria demonstrates consistency with State Policies

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The subject site is not identified in the Lower Hunter Regional Strategy due to its relatively small size. It is considered that the site will assist in accommodating anticipated population growth in the region, contribute to the support of the nearby emerging major regional centre at Morisset, and the existing townships of Wyee Point.

The proposed Planning Proposal meets the objectives of the Strategy by providing additional land and development opportunities for the future growth of the population. In addition, the proposal will provide additional open space, green space, and is within a walkable catchment to a nearby area approved for a small retail and commercial centre. Furthermore, areas of high biodiversity values within the development site are zoned for conservation purposes to ensure their continued protection.

2. Is the planning proposal consistent with the local council's Community Strategic plan, or other local strategic plan?

The proposed Planning Proposal is consistent with the objectives of the Lifestyle 2020 Strategy.

Lifestyle 2020 Strategy encourages development to be located with access to services and facilities, as well as ensuring alternative transport options are available to the community. The existing village of Wyee Point does not have sufficient population to support a general store, although development approval has been granted for such a use. It is hoped that the additional households at Wyee Point will create the demand required to enable the general store to become a viable development proposition.

The Strategy identifies the need for the protection of land with high ecological values. Land on this site that has high ecological values will be conserved; however, offsets will also be required as some loss of biodiversity will be unavoidable during development of the site.

3. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment has been undertaken to determine the level of consistency the proposal has with relevant State Environmental Planning Policies (SEPPs). The assessment is provided below.

SEPP	Relevance	Implications
SEPP 14 – Coastal Wetlands	Aims to ensure that coastal wetlands are preserved and protected in the environmental and economic interests of the State.	SEPP 14 – Coastal Wetland No. 888 and No. 889 are located along the western boundary of the subject site. The LES considered that there will be minimal impact on either of the adjoining wetlands as a consequence of the development. A requirement to ensure that a detailed Stormwater Management Plan ensuring the protection of the SEPP 14 wetlands has been included within Schedule 8 of <i>LMLEP 2004</i> . The Planning Proposal is consistent with the aims and objectives of the SEPP.
SEPP 19 – Bushland in Urban Areas	Aims to prioritise the conservation of bushland in urban areas, and requires consideration of aims in preparing a draft amendment.	The proposal identifies the protection of a large proportion of bushland within the site. Any development on the site will also have to address the 'maintain and improve' test.
SEPP 44 – Koala Habitat Protection	Aims to encourage the proper conservation and management of areas of natural vegetation that provide koala habitat.	Flora and fauna studies conducted for the local environmental study (LES) did not reveal any koala habitat or Potential habitat.
SEPP 55 – Remediation of Land	Establishes planning controls and provisions for the remediation of contaminated land.	A geotechnical and contamination has been conducted across the subject site. The report indicated that the site is not currently contaminated. It is considered that the proposal is consistent with the provisions of the SEPP.
SEPP 71 – Coastal Protection	This SEPP ensures that development in the NSW coastal zone is appropriate and suitably located to ensure that there is a consistent and strategic approach to coastal planning and management. The below matters must be considered in preparation of any Local Environmental Plan over the land.	The subject site is identified as being in the 'metropolitan coastal zone' as defined under SEPP 71. The proposed amendment has considered the matters within clause (8) of the SEPP as part of the Local Environmental Study. Under the provisions of the SEPP, a Master Plan must be approved by the Minister for the subject site prior to consent being granted. The requirement for a Master Plan to be prepared will be reinforced through the preparation of an Area Plan within Council's DCP.
SEPP (Mining, Petroleum Production and Extractive industries) 2007	The SEPP aims to manage the development of land for mining, petroleum, and extractive development in a manner that provides social and economic welfare of the State, and provides controls to promote ecologically sustainable development.	The subject land is within a Mine Subsidence District. The Mine Subsidence Board and the Department of Primary Industries have previously been consulted in this regard and do not object to the development of the site.

4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment has been undertaken to determine the level of consistency the proposal has with relevant Ministerial Directions. The assessment is provided below.

Ministerial Direction	Relevance	Consistency
1.3 – Mining, Petroleum Production and Extractive Industries	This direction aims to protect the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials and requires consultation with the Department of Primary Industries.	The subject site is within CCL 721 and Authorisation 384 held by Centennial Coal as part of the Mannering Colliery. The Department of Primary Industries noted in 2007 that the area is underlain by a mineable resource in the Fassifern seam and may be mined within the next five years. The DPI did not raise an objection to the amendment, however it would not support any future development that had the potential to sterilise the coal resource. Centennial Coal has advised that mining (first workings only) commenced under the site in 2010. It is expected that works directly under Ramsgate will cease in 2012. Due to the methods used, it is expected that any subsidence created during this period will be negligible, and will not have any impact on any proposed development. The proposed amendment is inconsistent with Direction 1.3 and will require continued consultation with the relevant stakeholders and concurrence from the Director General of the Department of Planning.
2.1 – Environmental Protection Zones	Aims to protect and conserve environmentally sensitive land by requiring appropriate provisions in a draft LEP and no reduction in environmental protection standards.	An ecological assessment has been prepared for the subject site with identified flora and fauna issues, with recommendations for conservation areas and corridors. The preferred land use strategy within the LES identifies a significant area for environmental protection, with all Endangered Ecological Communities contained within the 7(1) Conservation Primary zone, increasing the environmental protection of the

Ministerial Direction	Relevance	Consistency
		land. The amendment is consistent with this Direction. However, it is considered appropriate that additional consultation should occur with the Office of Environmental and Heritage in regards to any required offsets.
2.2 – Coastal Protection	This direction aims to implement the principles in the NSW Coastal Policy.	It is considered that the proposed Planning Proposal is consistent with this direction. The LES is consistent with the NSW Coastal Policy, Coastal Design Guidelines, and the relevant provisions of the <i>Local Government Act 1993</i> . Any future development on the site must consider the above documents.
2.3 – Heritage Conservation	Aims to conserve items of environmental heritage by requiring a draft LEP to include provisions to facilitate the protection and conservation of Aboriginal and European heritage items.	The proposal is consistent with the objectives of this Direction. The subject site has been assessed by Archaeological and heritage consultants in consultation with the Koombahtoo Local Aboriginal Land Council and Awabakal Traditional Owners Corporation. Two potential archaeological deposits (PAD) were found on the site. The large PAD located along the foreshore is not proposed for development. Further investigations may be required in relation to the isolated artefact found on the site, should development be proposed in this area. The isolated find is considered of low significance but will be assessed under the <i>National Parks and Wildlife Act</i> as part of any development application.
2.4 – Recreation Vehicle Areas	The direction restricts a draft LEP from enabling land to be developed for a recreation vehicle area.	This Planning Proposal does not propose any recreation vehicle areas and is consistent with this Direction.
3.1 – Residential Zones	The direction requires a draft LEP to include provisions that facilitate housing choice, efficient use of infrastructure, and reduce land consumption	It is considered that the Planning Proposal is consistent with the objectives of this Direction. The site is in close proximity to the existing township, can easily access available services, and

Ministerial Direction	Relevance	Consistency
	on the urban fringe.	will likely result in an increased diversity of housing choice through variances in minimum lot sites.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	This proposal will not affect provisions relating to Caravan Parks or Manufactured Home Estates.
3.3 – Home Occupations	The direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	The Planning Proposal will not affect provisions relating to this, and will retain the provisions of the principal LEP in this regard.
3.4 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	It is considered that the Planning Proposal is consistent with this Direction. The site is adjacent to the existing township of Wyee Point. Appropriate bus stops can be provided at the DA stage to facilitate private bus operator routes. A number of cycles and walkways are likely to be provided which provide linkages to the existing township.
4.1- Acid Sulfate Soils	Aim to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Acid Sulfate Soils are present on the northern part of this site. Under this Direction, consideration must be given to the Acid Sulfate Soils Planning Guidelines issues by the DoP when assessing any proposals on the land. Areas with a high probability of occurrence of Acid Sulfate Soils are wholly contained within the 7(1) Conservation (Primary) zone. The proposal is considered consistent with this Direction.
4.2 – Mine Subsidence and Unstable Land	Aims to ensure development is appropriate for the potential level of subsidence. The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	The Mine Subsidence Board was consulted as part of the Section 62 Consultations. The MSB does not object to the rezoning. The Planning Proposal is considered consistent with this Ministerial Direction.
4.3- Flood prone land	Aims to ensure that development of flood prone land is consistent with the NSW Government Flood Prone Land Policy and the Principles of the Floodplain Development Manual	This direction states that Council should consider the NSW Flood Prone Land Policy and Floodplain Development Manual in assessing the proposal. The LES has not identified any

Ministerial Direction	Relevance	Consistency
	2005 and to ensure that the provision of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	development lands within the 1 in 100 year flood zone, which is consistent with the Ministerial Direction and the relevant guidelines. Whilst reference is made to provisions that exceed the residential flood planning level in the locality to reflect Council's Sea Level Rise Policy, this inconsistency is considered inconsequential as the proposed levels are wholly contained within the 7(1) Conservation (Primary) zone, where development will not occur. As such, it is considered that the Planning Proposal is consistent with this Ministerial Direction and will not require concurrence from the Director General in this regard.
4.4 – Planning for Bushfire Protection	Aims to reduce risk to life and property from bushfire. Requires an LEP to have regard for <i>Planning for Bushfire Protection</i> , amongst other matters. Applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.	In prior consultation under s62 (repealed) of the Act, the Rural Fire Service does not raise any objection to the Planning Proposal. A Bushfire Treat Assessment was prepared for the subject site which considered Planning for Bushfire Protection, however, a bushfire threat assessment will need to be prepared as part of any development application on the subdivision of the site. Council's general bushfire protection provisions with both DCP No.1, and draft DCP 2012, will ensure that Asset Protection Zones will be bounded by a perimeter road, and the Outer Protection Area will be managed appropriately. Further consultation with the RFS is proposed after the Gateway Determination. The Planning Proposal is considered consistent with the objectives of this Direction.
5.1 – Implementation of Regional Strategies	Aims to give legal effect to regional strategies, by requiring draft LEPs to be consistent with relevant strategies. The direction requires a draft amendment to be consistent with the relevant State strategy that applies to the Local	The subject site is not identified in the Lower Hunter Regional Strategy. However, the Planning Proposal has been developed based on the principles identified within the Strategy. It is considered that this proposal is consistent with

Ministerial Direction	Relevance	Consistency
	Government Area.	the objectives of this Direction.
6.1 – Approval and Referral Requirements	Prevents a draft LEP from requiring concurrence from, or referral to, the Minister or a public authority unless approval is obtained from the Minister and public authority concerned. Also restricts the ability of a Council to identify development as designated development without the Director General's agreement.	The draft amendment does not require concurrence from, or referral to, the Minister or a public authority. The planning proposal is consistent with this Direction.
6.2 – Reserving Land for Public Purposes	Aims to facilitate the reservation of land for public purposes, and to facilitate the removal of such reservations where the land is no longer required for acquisition. A Council must seek the Minister's or public authority's agreement to create, alter or reduce existing zonings or reservations in an LEP. A Council can also be requested to rezone or remove a reservation by the above.	The amendment proposes to rezone an area identified as 6(1) Open Space to 7(1) Conservation (Primary). The area currently zoned 6(1) is of extremely high ecological value containing three Endangered Ecological Communities, and habitat for several threatened species. It is considered that the most appropriate land use zoning for this area is conservation. This amendment is not consistent with the objectives of the Ministerial Direction, and will require the concurrence from the Director General.
6.3 – Site Specific Provisions	Aims to reduce restrictive site specific planning controls where a draft LEP amends another environmental planning instrument in order to allow a particular development proposal to proceed. Draft LEPs are encouraged to use existing zones rather than have site specific exceptions.	The amendment does not propose site specific zones or planning provisions. The proposal is consistent with this Direction.

C. Environmental, social and economic impact

1. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is a possibility that threatened species and their habitat may be affected by the proposal. The following threatened species have been identified on the subject site.

Tetratheca juncea

Two specimens of *Tetratheca juncea* were observed on the site. The flora and fauna report noted that the species were identified in low numbers on the site, with large areas of similar of better quality habitat within the locality, and a large population of this species is located

adjacent to this site. The report recommended that the two small clumps of *Tetratheca juncea* within the areas identified for urban development should be contained at the rear of larger allotments or within small pockets of open space to ensure their viability. The retention and management of these threatened species will be identified within area plan and vegetation management plan prepared for the site. As such, it was considered that the future development of the site is not likely to disrupt the habitat of a local viable population of this species such as it is likely to be placed at risk of extinction.

Glossy Black-Cockatoo

The subject site contains potential foraging, roosting, and nesting habitat for the Glossy Black-Cockatoo. Observations of three individuals were made within the southeastern of the subject in 2008. The flora and fauna report concluded that there are substantial areas of similar quality foraging habitat within adjacent sites. The report concluded that the proposal is not likely to disrupt the life cycles of this species such that a viable local population of the Glossy Black-Cockatoo is likely to be placed at risk of extinction.

Brown Treecreeper

In 2000, a Brown Treecreeper was recorded on the subject site. However, the flora and fauna report concluded that the site provides sub-optimal foraging habitat for this species. In addition, the report noted that more suitable habitat for the Brown Treecreeper occurs to the far west, away from coastal areas, and are considered to be of a vagrant nature. The report concluded that the proposal is not likely to disrupt a viable local population of the Brown Treecreeper such that it is likely to be placed at risk of extinction.

Squirrel Glider

A number of Squirrel Gliders were observed and captured during fauna surveys on the subject site in 2000. Due to the habitat value and the presence of this species observed with young, retention or replacement of some hollow bearing trees for the Squirrel Glider is recommended as part of any site landscaping plan. The report noted the adequate representations of the relevant eucalypt species occupy the site and supplying foraging resources in varying seasons would need to be sustained within retained areas. Given these, it is considered that the proposal would not likely to disrupt a viable local population of the Squirrel Glider such that it is likely to be placed at risk of extinction.

Grey-Headed Flying-Fox

The flora and fauna report considered that the subject site provides potential foraging habitat for this species. A previous report by Woodward-Clyde noted that one specimen on the subject site in 1996. Recent surveys of an adjacent site to the south resulted in additional sightings. The report noted that extensive similar quality foraging habitat for Grey-Headed Flying-Foxes exists within the adjacent area including the Koompahtoo Aboriginal Reserve, Lake Macquarie State Recreation Area, and the Wyee Point Reserve. The report recommended that retention or placement of various flowering native trees used as a foraging resource by the Grey-Headed Flying-Fox should be contained within a site landscaping plan and vegetation management plan. The report concluded that the proposal is not likely to disrupt a viable local population of the Grey-Headed Flying-Fox such that it is likely to be placed at risk of extinction.

Eastern Free-tail-Bat

The flora and fauna report identified that the subject site contains numerous small hollows that are suitable for foraging by the Eastern Free-tail Bat. The report recommended that retention or replacement of potential roosting hollows should be identified within the

vegetation management and landscaping plans prepared for the site. The report considered that the proposal is not likely to disrupt the life cycles of this species such as a viable population is likely to be placed at risk of extinction.

Endangered Ecological Communities

Three Endangered Ecological Communities (EECs), Swamp Sclerophyll Forest on Coastal Floodplains, River-flat Eucalypt Forest on Coastal Floodplains, and Coastal Saltmarsh were observed on the subject site. The boundaries of these EEC's have been mapped by survey, and offset with a 20m buffer to ensure that they are wholly contained within the 7(1) Conservation (Primary) zone.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The impacts of the proposed draft amendment on the environmental attributes of the site were considered as part of the comprehensive LES. The LES recommended that the Endangered Ecological Communities (EECs) be protected by the use of a conservation zone for part of site. Additionally, a vegetation corridor through the centre of the site is proposed to be zoned for conservation.

It is likely that the majority of the vegetation will be cleared within the proposed 2(1) Residential zoning, with the exception of some hollow bearing trees within larger lots, and along road reserves. It is anticipated that elements of the areas identified for conservation through the 7(1) Conservation (Primary) zone will be utilised to offset the loss of vegetation in this area. Any additional offsets required by OEH will be located outside of the boundaries of this site.

The clearing of vegetation within the proposed 7(5) Environmental (Living) is to be minimised and will only be undertaken for roads, infrastructure, asset protection zones, and identified building footprints. The proponent is currently preparing a concept plan for the site to assist with any offset negotiations with Council and OEH. It is expected that any offsets required for clearing of the 7(5) Environmental (Living) zone will be located offsite.

Asset Protection Zones (APZ) will be required within both the residential, and the environmental living zones, and will not be permitted to encroach on conservation land. The exact APZ requirements will be determined as part of future development applications.

The majority of the foreshore has been identified as a Potential Archaeological Deposit due to middens being found along the foreshore. This area will be retained within the 7(1) Conservation (Primary) Zone. In addition, one midden site was identified within the proposed 2(1) Residential Zone area. It is intended that additional consultation be undertaken in regards to these items with the stakeholders after the 'Gateway' determination.

The proponent is currently assessing available options to satisfy the Office of Environment and Heritage's requirements. Following the Gateway determination, Council and the proponent will re-commence consultation with OEH and the Department of Planning.

3. How has the planning proposal adequately addressed any social and economic effects?

A Social Impact Assessment (SIA) and Economic Impact Assessment (EIA) was undertaken as part of the Local Environmental Study.

The SIA considered demographic change, community facilities, social infrastructure, accessibility, and integrated of the development and its occupants into the local area. The report noted that the Wyee Point area has a relatively higher household size, with a younger

age profile compared with the Lake Macquarie LGA. The preponderance of dwellings are detached houses in private ownership, however the level of properties on the rental market is on the increase.

The SIA identified that Wyee Point have very few community and recreational facilities. However, it should be noted that since the SIA was completed Council has received a grant of \$901,000 from the Federal Government to carry out works at the Wyee Point Reserve approximately 400m from the subject site. These funds will be utilised to carry out works identified within the draft Plan of Management and Master Plan. Additional funds sourced from developer contributions under Section 94 of the *Environmental Planning and Assessment Act 1979* totalling \$1,050,00 have been allocated for proposed works on the reserve. The works include the design and construction of a playground, a small amenities building, pathways, BBQs, shelters, seating, landscaping works, a level kick-about area sized to suit low-level sports training and junior cricket, pathways, and bushland regeneration works. The works are expected to be completed late 2011.

It is expected that upon completion of the Wyee Point Reserve works the subject site will be well serviced with high quality recreational facilities.

An Economic Impact Assessment (EIA) was prepared for the subject site as part of the Local Environmental Study. It is estimated that the initial effect based on estimated constructions costs for a 150 allotment subdivision on the site would be approximately \$42.75 million. The total economic impact on the national economy is estimated at \$119.5 million.

The EIA identified that approximately 717 jobs will be created as part of the initial effect. The total employment benefits from the construction of the site to the national economy are estimated at 2,032 full time equivalent positions.

It should be noted that the development of Ramsgate Estate may increase the population to a level where a local shopping centre may become viable. Land located at the junction of Government Road and Mulwala Drive is currently zoned 3(1) Urban Centre (Core) and allows for a mix of commercial and retail uses. Ramsgate Estate is located within 800m of the commercial zone.

D. State and Commonwealth interests

1. Is there adequate public infrastructure for the planning proposal?

Consultation undertaken with the relevant authorities by Council and as part of the LES has determined that the land can be adequately serviced to accommodate the proposed development of the subject land.

The subject land is identified as an “urban release area” and as a result, will be subject to Clause 62 of the *LMLEP 2004*. This clause ensures that development consent must not be granted on the subject land until the consent authority is satisfied that essential public utility infrastructure, including the disposal and management of sewage, is provided.

Similarly, Section 7.8 Utility infrastructure availability clause in draft *LMLEP 2012* provides that adequate arrangements for infrastructure, including disposal and management of sewerage, be made prior to development consent.

Further information on provision of adequate public infrastructure is discussed above under Part 3 Justification for the provisions.

2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Proposal has not previously been to Gateway for determination. The following consultation has been undertaken with the relevant public authorities in accordance with the *EP&A Act 1979*. Agency comments and responses are outlined in detail within the LES.

Department of Environment, Climate Change, and Water

Consultation has occurred with the Department of Environment, Climate Change, and Water at various stages throughout the amendment process. DECCW have indicated that the proposed offsets within the site boundaries (all areas zoned 7(1) Conservation (Primary)) will not be sufficient to meet the 'improve or maintain' biodiversity benchmark due to vegetation loss. Subsequently, the proponent is currently investigating sites within the locality for use as additional offsets. DECCW has requested that additional consultation occur after the 'Gateway' determination by the Department of Planning.

Hunter Water Corporation

As part of the consultation process, the Hunter Water Corporation required a Servicing Strategy to be undertaken as part of the LES. The Servicing Strategy indicated that there is sufficient capacity within the network to support the development. It is anticipated that Hunter Water will be further consulted following the 'Gateway' determination.

Koompahtoo Local Aboriginal Land Council

The Koompahtoo Local Aboriginal Land Council required a detailed Aboriginal archaeological assessment to be prepared for the subject site. This study was undertaken in conjunction with the Land Council and other interested parties as part of the LES.

Department of Planning (Heritage Council)

The Heritage Council required a European Heritage assessment to be undertaken on the subject site. This assessment was undertaken as part of the LES, however no items of significance were discovered as part of this study.

Rural Fire Service

The Rural Fire Service requested a Bushfire Threat Assessment be undertaken in accordance with the Planning for Bushfire Protection 2006. This assessment was undertaken as part of the LES. The RFS have indicated that additional consultation will be required as part of any development application on the site.

Road and Traffic Authority

The RTA required a detailed traffic study as part of the LES to identify any road infrastructure upgrades that may result from future development of the site. The RTA have indicated that they are satisfied that the proposed development will not have a direct impact on the State road network. However, the RTA has advised that the developer will need to enter into a Voluntary Planning Agreement prior to approval of any future subdivision to make a monetary contribution towards designated State infrastructure. Accordingly, the Planning Proposal identifies the site as an Urban Release Area under Clause 62 of *LMLEP 2004* to ensure that such agreements are in place prior to subdivision consent being granted.

Ministry of Transport

The Ministry of Transport required a traffic impact assessment to be undertaken as part of the LES, including models for the impacts on the road network, the provision of bus services, and the integration into the existing township.

The traffic study undertaken as part of the LES including detailed modelling of traffic movements. The results of the traffic study have indicated that the existing road network has sufficient capacity to cater for the urban development of the site. Furthermore, the LES has indicated that the future development of the site can be designed to accommodate bus services where appropriate.

Department of Primary Industries

The Department of Primary Industries indicated that an mining lease (CCL 721 and Authorisation 384) is held by Centennial Coal as part of the Mannering Colliery over the site. The DPI indicated that a mineable resource in the Fassifern seam would be mined within the next five years. The DPI indicated that they do not object to the proposal in its current form, however would not support any future development that had the potential to sterilise the coal resource.

Mine Subsidence Board

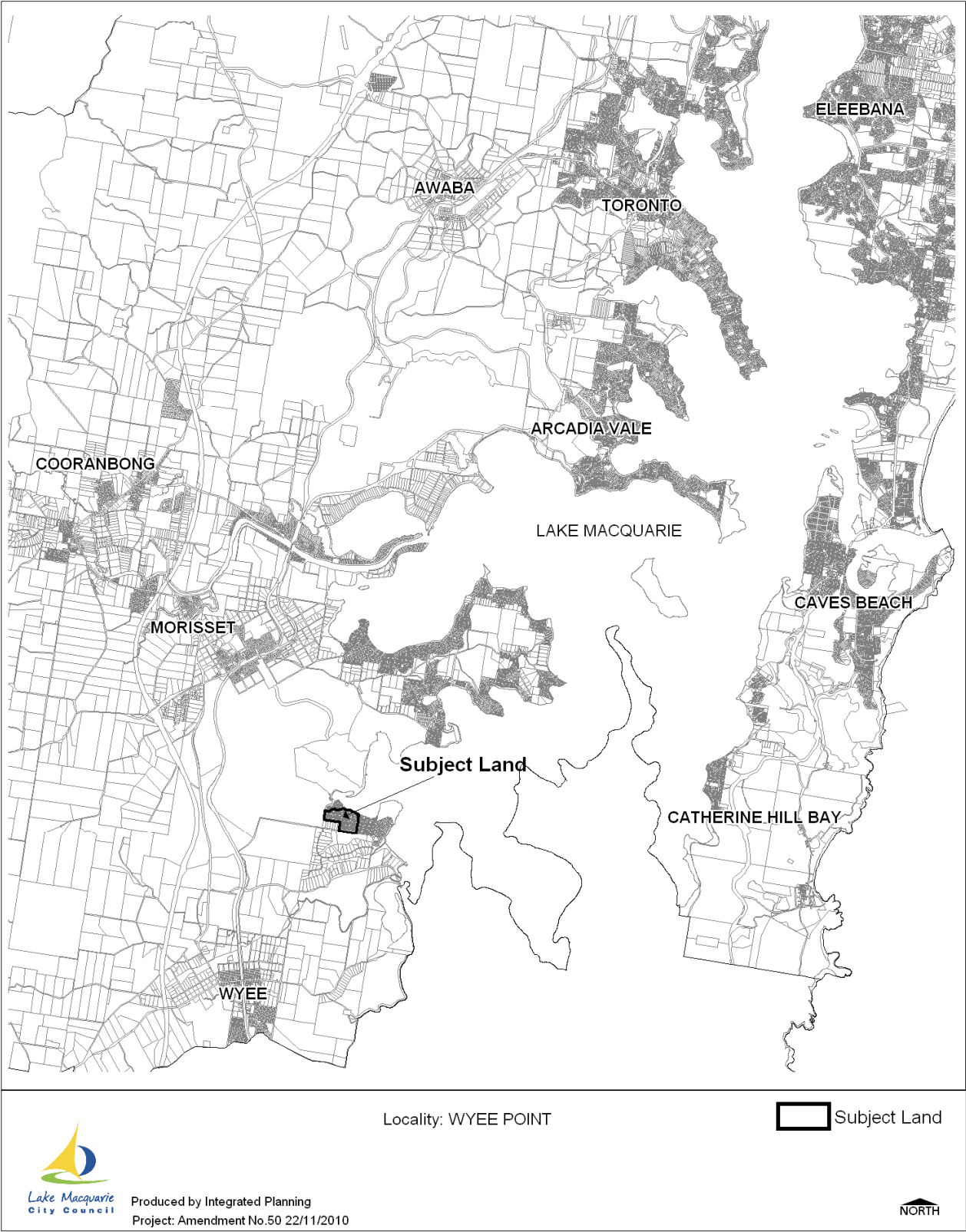
The subject site is within a proclaimed mine subsidence district. The MSB did not object to the proposal, however indicated that future development of the subject site will need to meet the MSB dwelling height and construction standards.

Part 4 – Details of Community Consultation

It is anticipated that the public will have the opportunity to comment on the proposed Planning Proposal after a Gateway determination. It is submitted that the Planning Proposal does not fit the definition of a 'Low Impact Planning Proposal' and should therefore be exhibited for a minimum of 28 days.

The Planning Proposal will be exhibited in accordance with LEP Practice Note PN09-003 Classification and Reclassification of Public Land through a Local Environmental Plan and a Guide to Preparing Local Environmental Plans. At the completion of the public exhibition period, Council will hold a public hearing for the reclassification of Community Land to Operation Land pursuant to the provisions of the *Local Government Act 1993*.

Appendix 1 – Location Map



Appendix 2 – Study Area Map



Locality: WYEE POINT

 Subject Land

STUDY AREA

SKM AusImage 2010 Aerial Photography

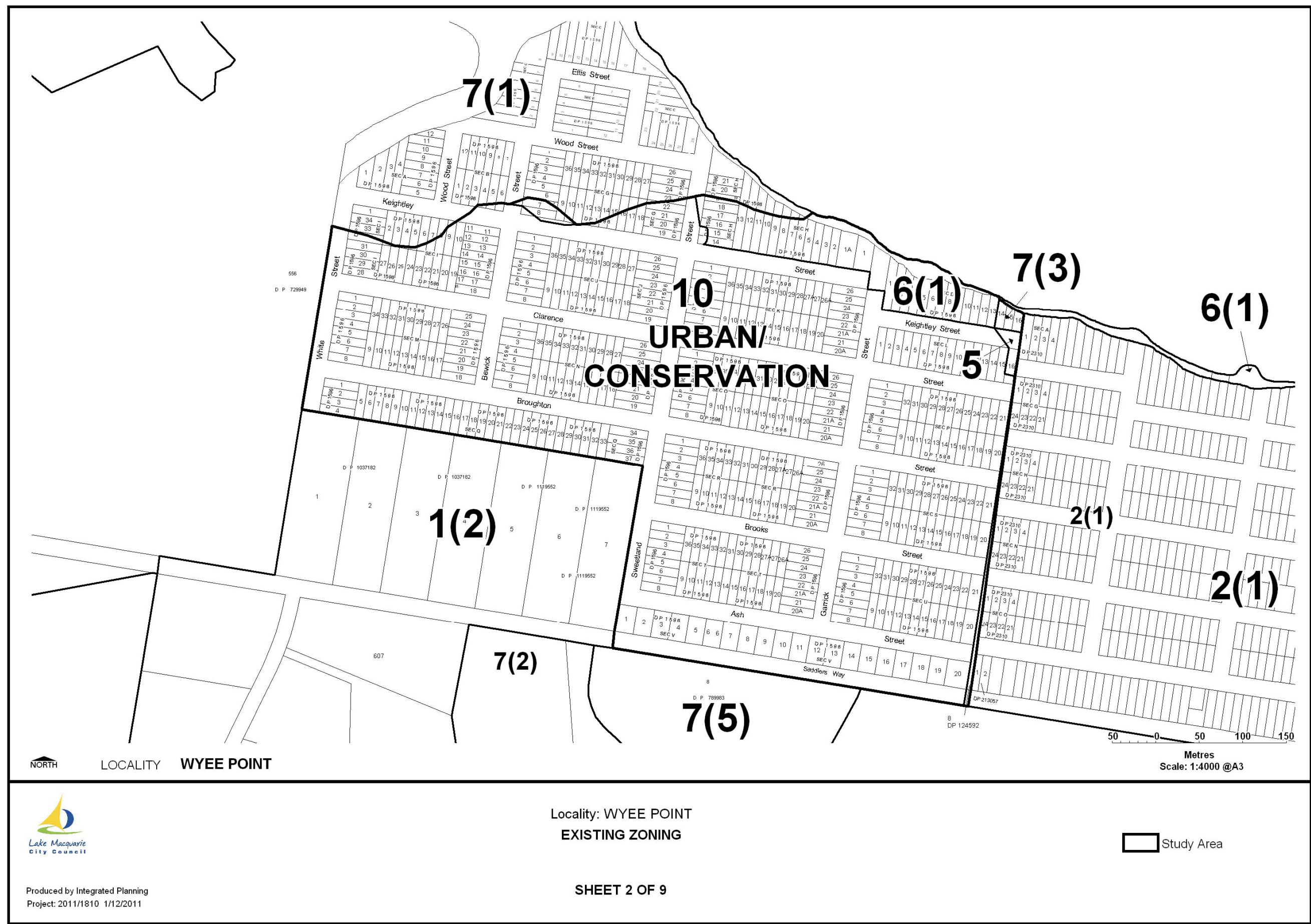
SHEET 1 OF 9



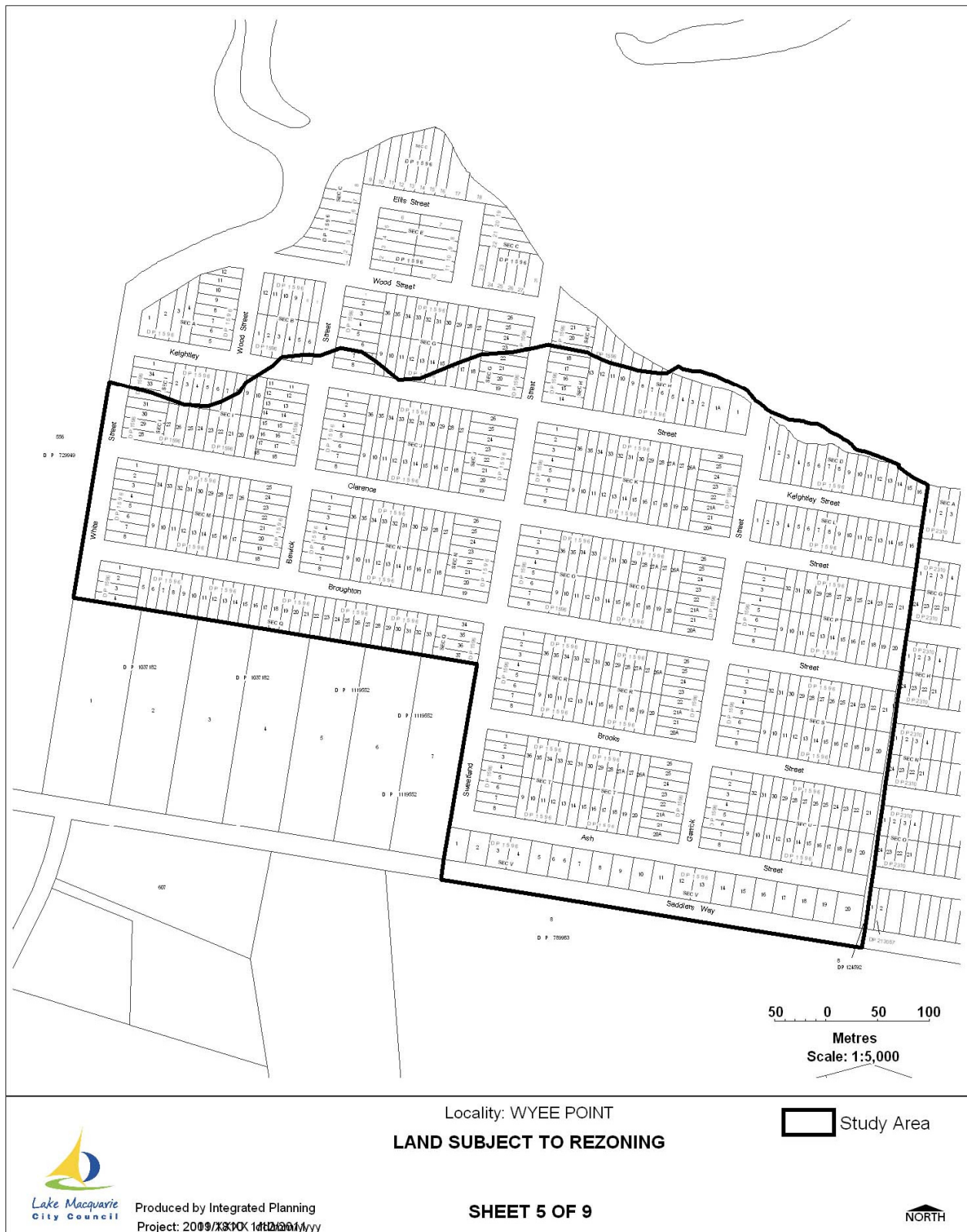
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Appendix 3 – Existing Zoning Map



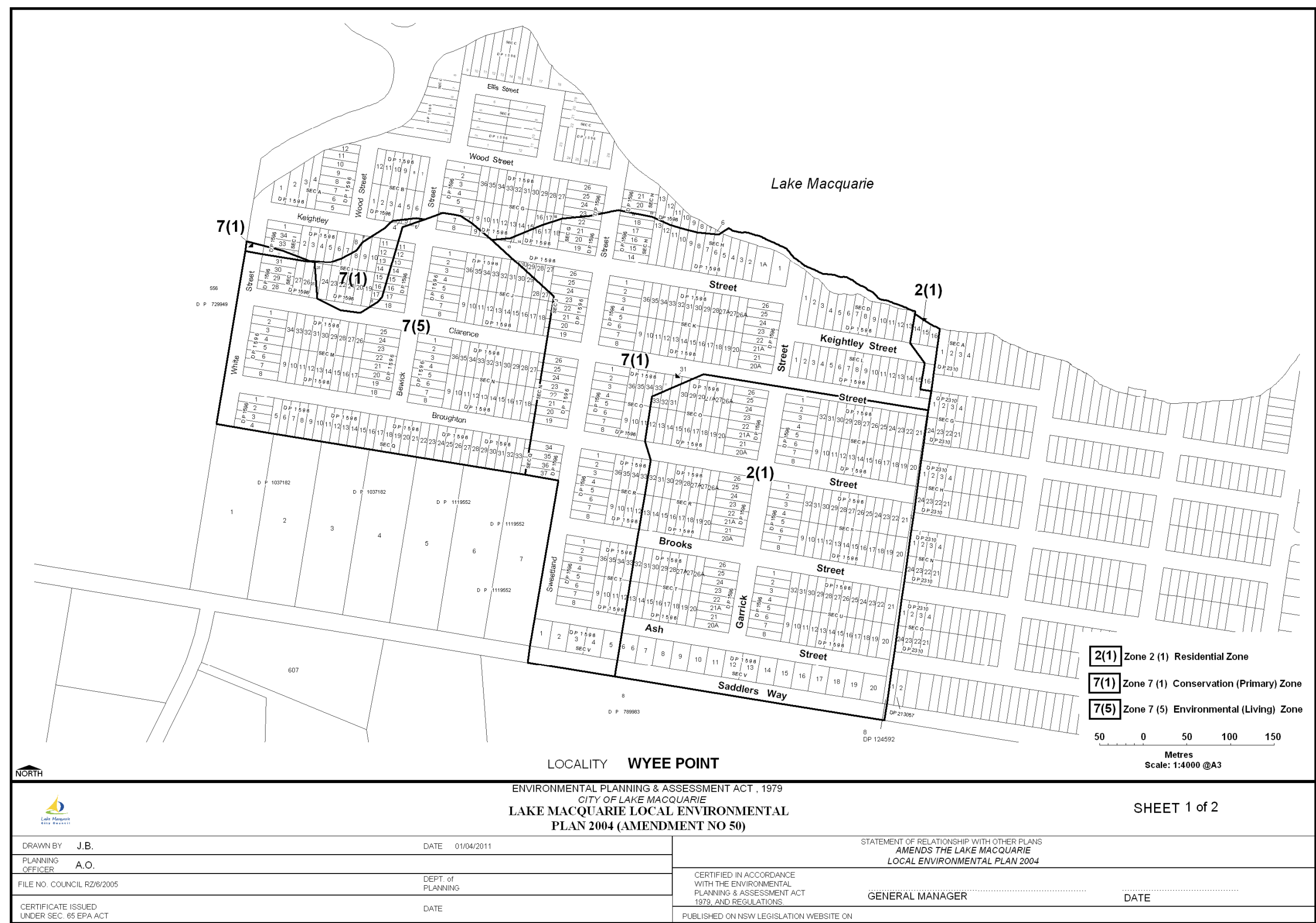
Appendix 4 – Land Subject to Rezoning Map



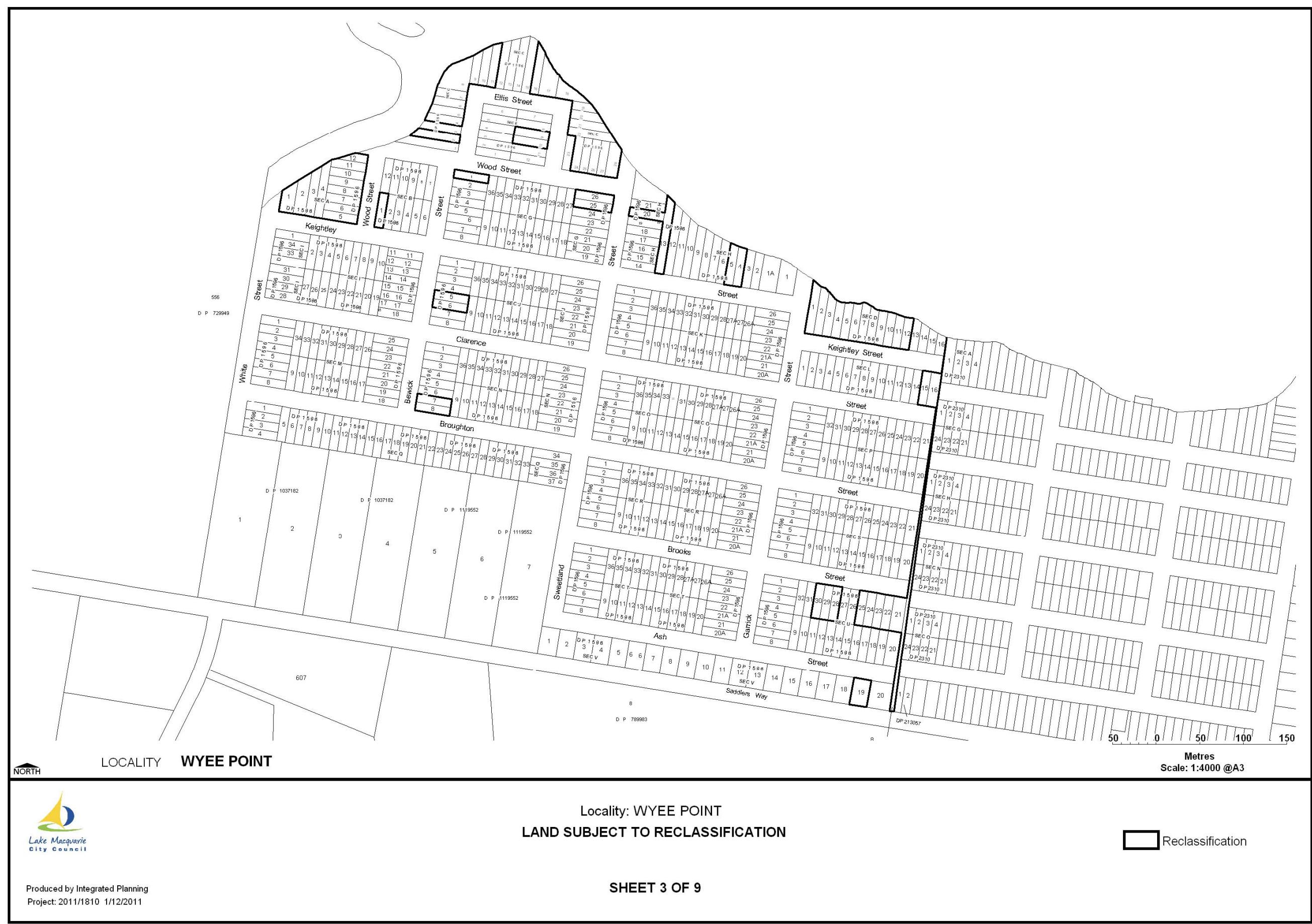
Appendix 5 – Table of Lots Subject to Rezoning

Lots	Section	DP	Lots	Section	DP
1		124592	1 - 36	N	1596
4 - 6	B	1596	1 – 36, 20A, 21A, 26A, and 27A	O	1596
1 - 16	D	1596	1 – 32	P	1596
7 – 23	G	1596	1 – 37	Q	1596
1A, 1 - 19	H	1596	1 – 36, 20A, 21A, 26A, and 27A	R	1596
2 – 32	I	1596	1 – 32	S	1596
1 - 36	J	1596	1 – 36, 20A, 21A, 26A, 27A	T	1596
1 – 36, 20A, 21A, 26A, and 27A	K	1596	1 – 32	U	1596
1 – 16	L	1596	1 – 20	V	1596
1 – 34	M	1596			

Appendix 6 – Proposed Zoning Map



Appendix 7– Land Subject to Reclassification Map



Appendix 8– Table of Land Subject to Reclassification

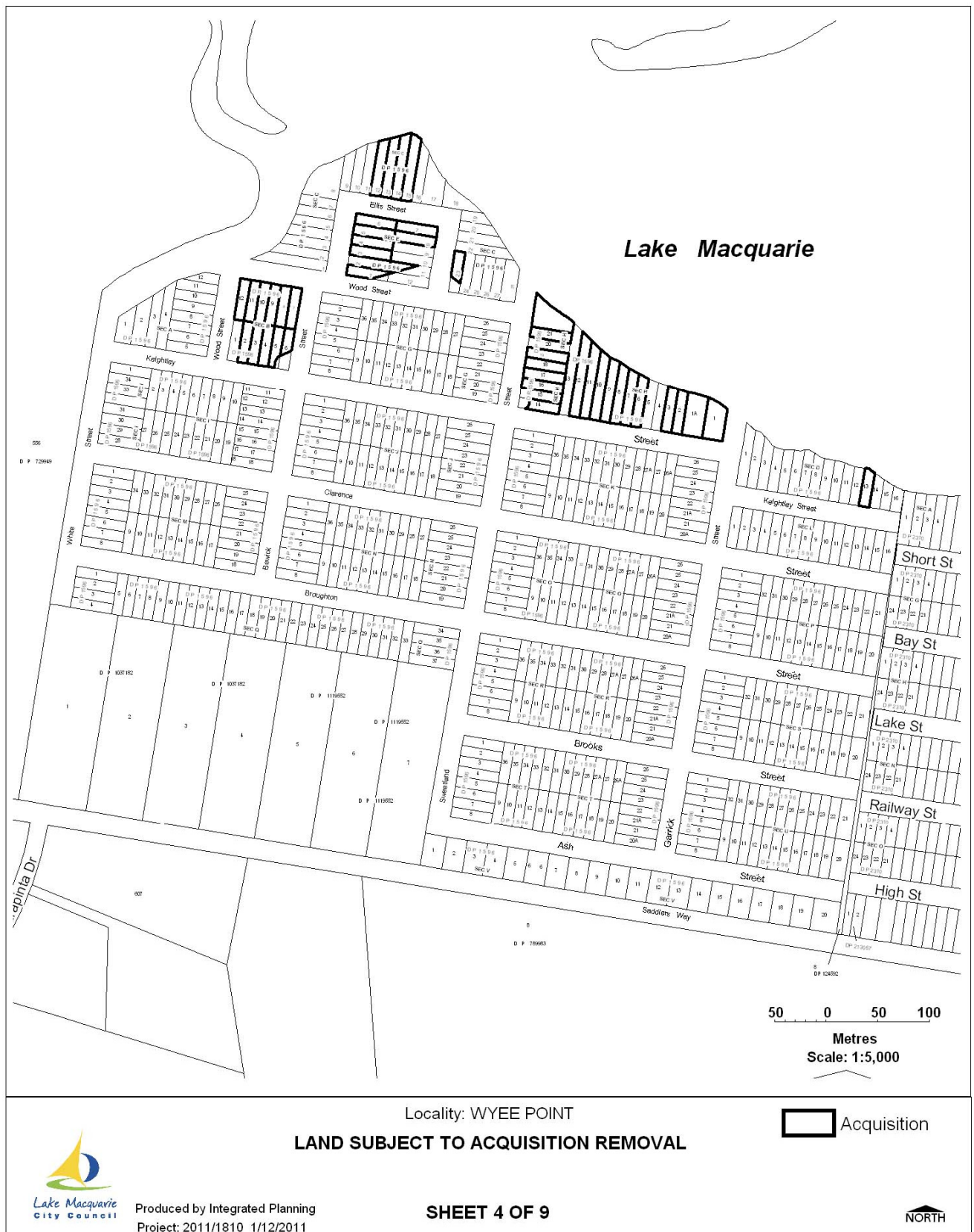
Lots	Section	DP	Lots	Section	DP
1		124592	4, 5, 13, 20	H	1596
1 - 12	A	1596	5, 6	J	1596
1	B	1596	15, 16	L	1596
2, 4 – 11, 16 - 28	C	1596	7, 8	N	1596
1 - 12	D	1596	21 – 25, 28 - 30	U	1596
9, 10	E	1596	19	V	1596
1, 25, 26	G	1596			

Appendix 9 – Table of Council's Interest in Land Subject to Reclassification

Section	Lot No	Current Title Deed	Transfer No.	Date
Acquired by Council Through an Agreed Price				
B	1	11783 - 96	W 631784	Oct-86
C	2	15361 - 86	V 701067	Apr-85
C	16	16/C/1596	2677592	Apr-06
C	17	12027 - 133	Y 253738	Mar-89
C	18	18/C/1596	C 988147	Oct-91
C	28	2447 - 217	R 119374	Sep-78
C	10, 11	8171 - 171	R 119374	Sep-78
C	19, 20, 21, 22	1037 - 99	L952108	Jun-70
C	24, 25, 26, 27	2147 - 161	R 119374	Sep-78
C	8, 9	959 - 199	Q 926048	Sep-78
D	1, 2	8145 - 216	R 119374	Sep-78
D	3, 4	11131 - 49	L 494136	Apr-69
D	6, 7	1878 - 116	M 16468	Jun-70
G	1	12083 - 97	N 118179	Mar-73
G	25, 26	25/G/1596, 26/G/1596	O 848606	Apr-06
H	4	15352 - 65	V 701072	Apr-85
H	5	15361 - 176	V 701073	Apr-85
H	13	15352 - 62	V 701074	Apr-85
I	25, 26, 27, 28, 29	8145 - 218	R 119374	Sep-78
J	12	12/J/1596	I 137644	Feb-93
J	33, 34	33/J/1596, 34/J/1596	I 137644	Sep-78
J	35, 36	8145 - 220	R 119374	Sep-78
J	5, 6, 7, 8	886 - 218	P 596436	Dec-75
J	9, 10	8145 - 219	R 119374	Sep-78
K	13, 15, 16	15478 - 113	W 616996	Nov-86
K	29, 30, 31, 32	15478 - 114	W 616997	Nov-86
L	15, 16	7702 - 189	H 117390	Dec-58
M	1, 2, 3, 4, 5, 6, 7, 8	8167 - 136	R 119374	Sep-78
M	11, 12, 13	8145 - 221	R 119374	Sep-78
M	30, 31, 32	8145 - 221	R 119374	Sep-78
M	33, 34	959 - 199	Q 926048	Sep-78
M	8, 9	959 - 199	Q 926048	Aug-78
N	18	12684 - 77	W 61700	Nov-86
N	5, 6, 7, 8, 9, 10, 11, 12, 13, 14	959 - 199	Q 926048	Sep-78
O	15, 16, 17, 18, 19	8171 - 186	R 119374	Sep-78
O	34, 35	8192 - 123	R 119374	Sep-78
P	15, 16, 17, 18, 19	8171 - 186	R 119374	Sep-78
P	22, 23, 24, 25, 26	8171 - 186	R 119374	Sep-78
R	1, 2	8171 - 124	R 119374	Sep-78
T	7, 8	8198 - 83	R 119374	Sep-78
V	19	10335 - 217	W 988414	Jul-87
Resumed By Council				
A	1, 2, 3, 4, 5, 6	13629 - 125	Q 589833	Apr-78
A	7, 8, 9, 10, 11, 12	13703 - 32	Q 589833	Apr-78
C	4, 5, 6, 7	12761 - 147	P 159057	Jan-75

D	8, 9, 10, 11, 12	12002 - 205	L 792065	Mar-70
Section	Lot No	Current Title Deed	Transfer No.	Date
O	15, 16	6213 - 83	S 396321	Jan-81
O	17, 18	6213 - 82	S 396321	Jan-81
T	9, 10	6213 - 82	S 396321	Jan-81
T	11, 12	6213 - 81	S 396321	Jan-81
T	33, 34	6213 - 81	S 396321	Jan-81
T	35, 36	6637 - 104	S 396321	Jan-81
Acquired Under s604 of LGA				
C	2	15361 - 86	V 701067	Jun-85
G	1	12083 - 97	N 118179	Mar-73
H	5	15361 - 176	V 701073	Aug-85
K	13, 14, 15, 16	15478 - 113	W 616996	Dec-86
K	26A, 27	15478 - 147	W 617000	Dec-86
K	29, 30, 31, 32	15478 - 114	W 616997	Dec-86
N	17	17 / N / 1596	AC 726922	Dec-86
O	19, 20	15476 - 108	W 616994	Dec-76
O	25, 26	11783 - 97	W 616998	Dec-76

Appendix 10 – Land Subject to Removal of Acquisition Map



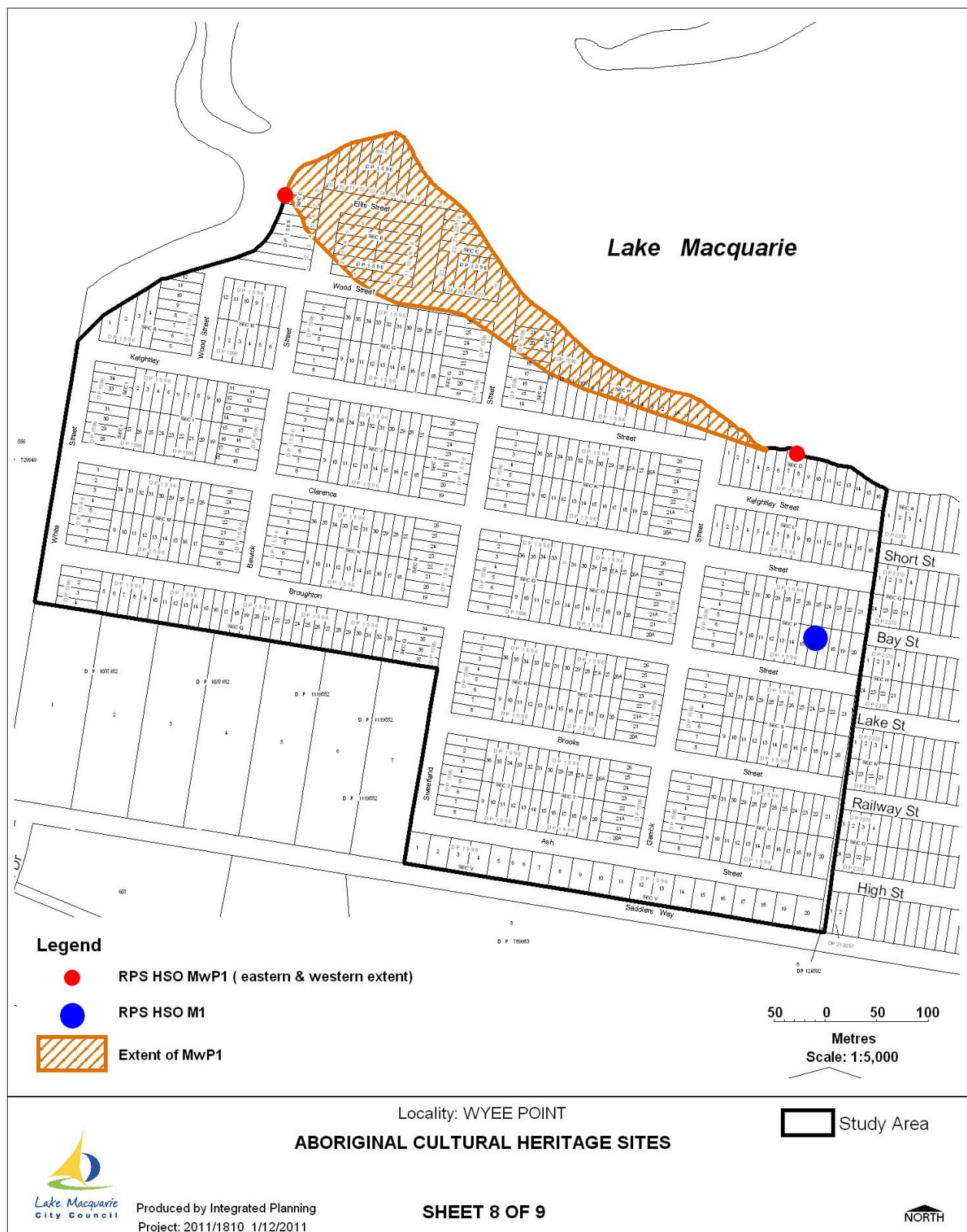
Appendix 11 - Table of Land Subject to Removal of Acquisition

Lots	Section	DP	Lots	Section	DP
1		124592	4, 5, 13. 20	H	1596
1 - 12	A	1596	5, 6	J	1596
1	B	1596	15, 16	L	1596
2, 4 – 11, 16 - 28	C	1596	7, 8	N	1596
1 - 12	D	1596	21 – 25, 28 - 30	U	1596
9, 10	E	1596	19	V	1596
1, 25, 26	G	1596			

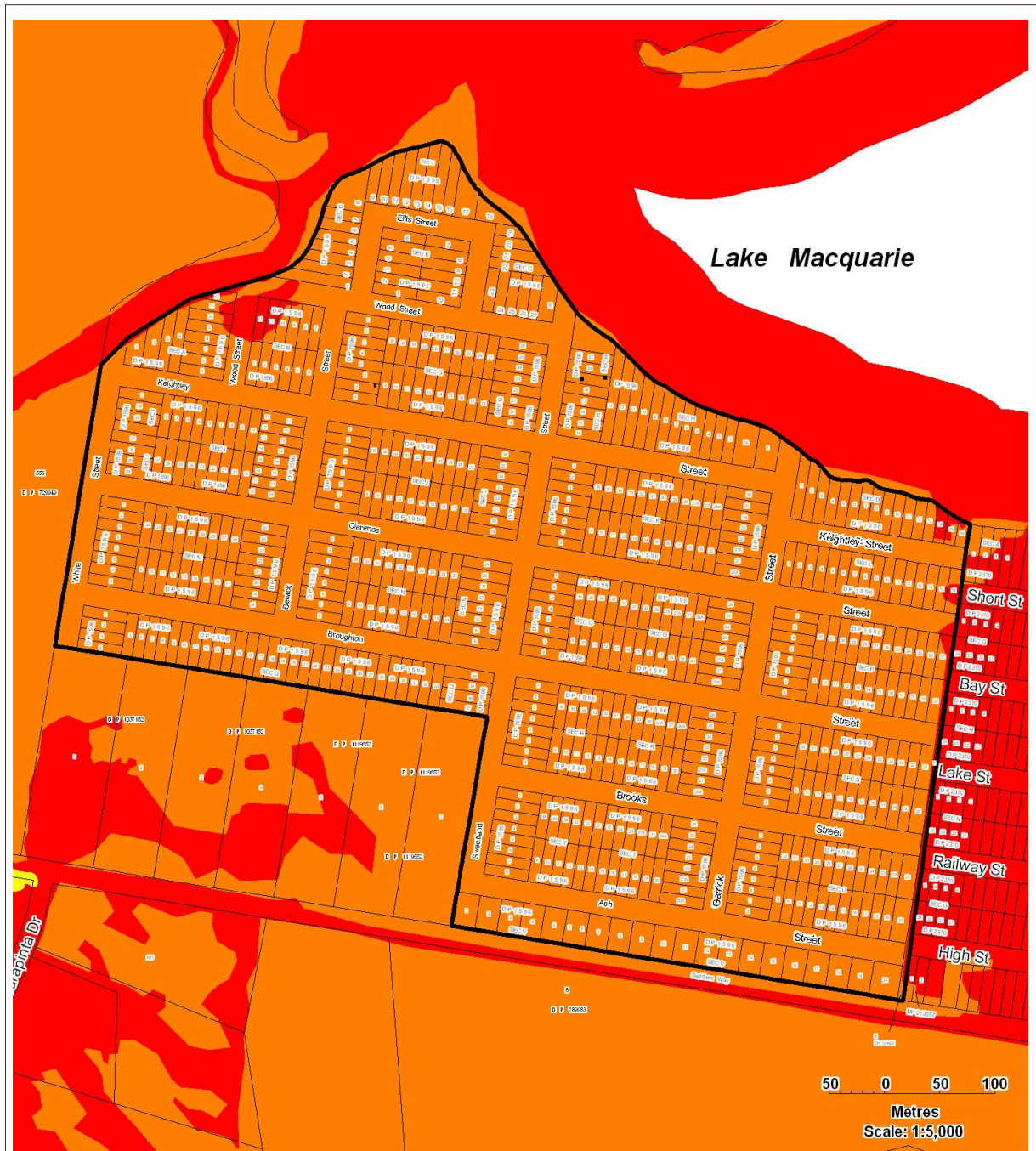
Appendix 12 – Urban Release Area Map



Appendix 13 - Aboriginal Cultural Heritage Map



Appendix 14 – Bushfire Prone Land Map



Locality: WYEE POINT
BUSH FIRE PRONE

 Study Area



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Appendix 15 – Flood Levels Map

