



NSW GOVERNMENT

Department of Planning

Contact: Cathy Colville
Telephone: 02 9873 8588
Catherine.colville@planning.nsw.gov.au
File: H98/00082/004
Our Ref: HRL50011
Your Ref: RZ/6/2005

The General Manager
Lake Macquarie Council
Box 1906
HUNTER REGION MAIL CENTRE NSW 2310

Attention: Adam Ovenden, Strategic Planner
Integrated Planning Department

Dear Sir/Madam

Re: Draft Lake Macquarie Local Environmental Plan Amendment – Land at Ramsgate Estate, Wyee Point – s.62 Consultation

Thank you for referring the above mentioned draft Local Environmental Plan (LEP) to the Heritage Branch for comment. The draft LEP was received on 12 May, 2008. The draft Plan and supporting information have been reviewed and the following advice is provided under the provisions of Section 63 of the Environmental Planning and Assessment Act.

It is noted that the draft LEP intends to reclassify and rezone the subject land at Ramsgate Estate to facilitate a mixture of urban development and the conservation of the site. Council has advised that the proposed land uses will be further investigated as part of the rezoning process and through the preparation of a detailed local environmental study (LES) for the site. The specifications for the preparation of the LES are supported. In particular, the LES should address the following issues:

- The heritage significance of the site/study area and any impacts the development may have upon this significance should be assessed. This assessment should include natural areas and places of Aboriginal, historic or archaeological significance. It should also include a consideration of wider heritage impacts in the area surrounding the site.
- The Heritage Council maintains the State Heritage Inventory which lists some items protected under the Heritage Act, 1977 and other statutory instruments. This register can be accessed through the Heritage Branch home page on the internet (<http://www.heritage.nsw.gov.au>). It should be noted that the legal standing of items listed on the State Heritage Register can also be provided by applying for a section 167 Certificate through the Heritage Branch home page.

In addition, lists maintained under the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 and by the National Trust should be consulted in order to identify any existing items of heritage significance in the area affected by the proposal. Please be aware, however, that these lists are constantly evolving and that items with potential heritage significance may not yet be listed.

- Non-Aboriginal heritage items within the area affected by the proposal should be identified by field survey. This should include any buildings, works, relics (including relics

underwater), gardens, landscapes, views, trees or places of non-Aboriginal heritage significance. A statement of significance and an assessment of the impact of the proposal on the heritage significance of these items should be undertaken. Any policies/measures to conserve their heritage significance should be identified. This assessment should be undertaken in accordance with the guidelines in the NSW Heritage Manual. The field survey and assessment should be undertaken by a qualified practitioner/consultant with historic sites experience. The Heritage Branch can provide a list of suitable consultants.

- The proposal should have regard to any impacts on places, items or relics of significance to Aboriginal people. Where it is likely that the project will impact on Aboriginal heritage, adequate community consultation should take place regarding the assessment of significance, likely impacts and management/mitigation measures. For guidelines regarding the assessment of Aboriginal sites, please contact the National Parks and Wildlife Division of the Department of Environment and Conservation on (02) 9585 6444.
- If they exist, archaeological zoning plans or archaeological management plans should also be consulted.

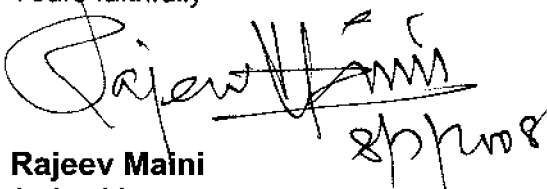
Council should also ensure that the proposed rezoning of the site will allow for the continued use and conservation of any heritage items or relics that might need to be retained in situ in an appropriate manner.

It is further noted that the lands to which the draft Plan will apply involve "paper subdivisions". In this regard, unless there is physical "on the ground" evidence of historic paper subdivision patterns (such as road construction or historic fence lines), there is no requirement for these patterns to be interpreted. If part of the original paper subdivision has been developed, it would be preferable that the zonings of the remaining lands permit appropriate development that allow for the historic grid pattern to be easily "read" and provide for compatible development patterns.

Section 84(1) of the NSW Heritage Act requires that any local environmental plan that will apply to land on which an item of environmental heritage is situated must contain provisions to facilitate the conservation of the building, work, relic, place or precinct. The current Lake Macquarie LEP contains appropriate provisions in this regard. As these provisions will need to be considered for any proposed development and/or change of use of the subject site, it is unnecessary for any further heritage provisions to be included as part of the preparation of the draft LEP. Accordingly, no objection is raised to the draft Plan on this basis.

I trust these comments are of assistance. If you require any additional information please contact Cathy Colville on (02) 9873 8588.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rajeev Maini', with a date '8/1/08' written below it.

Rajeev Maini
Acting Manager
Conservation Team
Heritage Branch
Department of Planning



MINISTRY OF TRANSPORT

Level 19, 227 Elizabeth Street Sydney 2000
GPO Box 1620 Sydney 2001
Telephone 9268 2800 Facsimile 9268 2900
Internet www.transport.nsw.gov.au
ABN 25 765 807 817

Mr Brian Bell
General Manager
City of Lake Macquarie
PO BOX 1906
HUNTER REGION MAIL SERVICE NSW 2301

Att: Mr Adam Ovenden

Dear Mr Bell,

SECTION 62 CONSULTATION DRAFT LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004-WYEE POINT

I refer to your letter dated 8 May 2008 seeking comment on the proposed draft Local Environmental Plan (LEP) to rezone land for residential development at Wyee Point. The Ministry appreciates this opportunity to provide comment on the draft Plan.

The Ministry notes that the proposal has potential to generate additional residential development. Justification is therefore required against the provisions of S.117 Direction 3.4 – *Integrating Land Use and Transport*, with particular attention to the following key matters:

- The need to integrate the proposal with the existing townships of Wyee Point and nearby Morisset;
- The likely transport needs of future residents and the capacity of existing services to meet these demands. Subsequently, identify what level of additional infrastructure will be required to satisfy such demands and the likely cost to Government in the short, medium and longer term;
- Determine the likely need for increased bus services and the implications of staged development (given existing multiple ownership);
- The need to identify and resolve barriers to efficient and safe pedestrian and cycle access; and
- Proposed measures to support a maximum mode shift to non-car modes, which may include infrastructure, services and other travel demand management incentives

Council should liaise with the Department of Planning regarding the most appropriate mechanism for collection of regional contributions to support the draft Plan.

The Ministry has identified the following preliminary transport infrastructure requirements necessary to support the proposed development:

- Contributions toward bus *start-up* services in accordance with the Outer Metropolitan Service Planning Guidelines, which are currently being prepared. As an interim measure, prior to the release of the Guidelines, liaison with the Ministry is requested;
- Consideration of bus priority measures along key corridors, in particular connections with the emerging regional centre at Morisset;
- Contributions toward the provision of the bus and rail interchange facilities at Morisset with consideration of future commuter car parking needs;
- Identification of key local and regional bicycle networks in particular the potential transport interchange at Morisset; and
- Contributions toward a package of Travel Demand Management measures, which support the provision of new bus services together with increased walking and cycling.

If you would like to discuss this further, please contact David Hartmann, Senior Transport Planner, on 9268 2228 or email david.hartmann@transport.nsw.gov.au.

Yours sincerely,



Brendan Bruce
Director, Transport Planning

DG08/02376

CC: Mr Michael Leavey– Regional Director, Hunter and Central Coast

All communications to be addressed to:

Head Office
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02) 8741 5555

Head Office
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Facsimile: (02) 8741 5550



The General Manager
Lake Macquarie Council
Box 1906
Hunter Region Mail Centre NSW 2310

Your Ref:

Our Ref: LEP/0075
A07/1173 GB

Attention: Harkirat Singh

21 December 2007

Dear Sir,

**Re: Draft Amendment to Lake Macquarie Local Environmental Plan 2004
Ramsgate Estate, WYEE POINT NSW**

I refer to your letter dated 3 September 2007 seeking our advice in accordance with Section 62 of the *Environmental Planning & Assessment Act 1979* for the draft amendment to the above Local Environmental Plan and apologise for the delay in responding.

The NSW Rural Fire Service (RFS) notes that the subject site is identified as bush fire prone land on the Lake Macquarie Bush Fire Prone Land Map.

The RFS has no objection to the rezoning however advises that any future development for residential, subdivision or special fire protection purposes will be subject to assessment in accordance with section 79BA of the *Environmental Planning and Assessment Act 1979*, or section 100B of the *Rural Fires Act 1997*.

For any enquiries regarding this correspondence please contact Garth Bladwell.

Yours sincerely

Nika Fomin
Co-ordinator, Development Control Services



252RZ32; I
07/1692

The General Manager
Lake Macquarie City Council
DX 7869
NEWCASTLE

Attention: Harkirat Singh

**SECTION 62 CONSULTATION – DRAFT AMENDMENT TO LAKE MACQUARIE LEP
2004 IN RESPECT OF LAND AT RAMSGATE ESTATE, WYEE POINT**

Dear Harkirat

I refer to your letter dated 3 September 2007 regarding the subject rezoning, referred to the RTA for comment.

The RTA's primary interests are in the road network, traffic and broader transport issues, particularly in relation to the efficiency and safety of the classified road system, the security of property assets and the integration of land use and transport.

In accordance with the *Roads Act 1993*, the RTA has powers in relation to road work, traffic control facilities connections to roads and other works on the classified road network. As the Pacific Highway (HW10) and Wyee Road (MR454) are classified State Roads, RTA concurrence is required for connections to the road under Section 138 of the Act, with Council consent. Council is the roads authority for all public roads in the area.

The RTA has reviewed the information provided and requests that the following issues be addressed by Council in the preparation of the draft Local Environmental Plan (LEP), to the satisfaction of the RTA and Council:

- A traffic study shall be prepared in accordance with the RTA's Guide to Traffic Generating Developments to the satisfaction of the RTA and Council and include the following as a minimum:
 - Assessment of the impacts to the Pacific Highway and Wyee Road, particularly at the intersections with Rutleys Road.
 - Identify all relevant vehicular traffic routes and intersections for access to / from the subject area.
 - Current traffic counts for all of the above traffic routes and intersections.
 - The anticipated additional vehicular traffic generated from the proposed lots.

- Traffic analysis including:
 - Current traffic counts and 10 year traffic growth projections;
 - 95th percentile back of queue lengths;
 - Delays and level of service on all legs for the relevant intersections;
 - Use of SIDRA or similar traffic model.
- The traffic study shall identify any road infrastructure upgrades which may be required as a result of the proposed rezoning. It should also identify at what stage in the development of the subdivision this work is required.
- The necessary road and transport infrastructure improvements required as a direct result of the proposed development should be fully funded by the developer or alternatively through Council's section 94 contribution plan.

Notwithstanding the above, the preparation of the Local Environmental Study and draft Local Environmental Plan should include consideration of the following matters:

- *State Environmental Planning Policy (SEPP) No. 11 – Traffic Generating Developments* may apply to future development of the area, and the proposal shall address any issues in relation to this policy accordingly.
- The developer should take into account DIPNR's *Integrating Land Use and Transport Planning Policy* and *draft SEPP 66 – Integration of Land Use and Transport* in relation to the provision of adequate access to public transport, especially for the elderly, and opportunities for pedestrians and cyclists connections to the surrounding area.

While the RTA would support the exhibition of the proposed draft LEP, it will hold an objection under Section 62 of the Environmental Planning and Assessment Act until the traffic study is completed and any road infrastructure upgrades required are identified.

Please contact me on (02) 4924 0240 if you have any queries.

Yours sincerely



Dave Young
Manager, Land Use Development
Hunter Operations & Engineering Services

17 October 2007



Harkirat Singh
Integrated Planning Department
Lake Macquarie City Council
PO Box 1906
Hunter Region Mail Centre
NSW 2310

9th October, 2007

Our Ref: 07/6814

Dear Harkirat Singh,

Re: Draft Amendment to Lake Macquarie LEP – Land at ‘Ramsgate Estate’, Wyee Point.

Thank you for your letter to the Department of Primary Industries dated 3rd September 2007, requesting this Department's comments in relation to the specified lands at Ramsgate Estate, Wyee Point.

This is a coordinated response from the Department of Primary Industries (DPI). The Department of Primary Industries has been formed by the merger of NSW Fisheries, Mineral Resources NSW, State Forests NSW and NSW Agriculture.

The rezoning and development of an area of land known as the Ramsgate Estate at Wyee Point has a history with the Department since at least the 1980's, while the original estate proposal originated in 1880. The current proposal is to rezone the area to allow a mix of urban development and conservation.

The subject area is within CCL 721 and Authorisation 384 held by Centennial Coal as part of Mannering Colliery. The area is covered by the Westlake Mine Subsidence District.

The area is underlain by a mineable resource in the Fassifern seam and it could potentially be mined within the next five years.

The Department of Primary Industries does not object to the proposed rezoning, however, it must be stressed that the area is underlain by a mineable coal resource and is covered by a Mine Subsidence District. The Department would not support any future development that had the potential to sterilise the coal resource.



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03 October 2007

General Manager
Lake Macquarie City Council
PO Box 1906
HUNTER REGION MAIL CENTRE NSW 2310

Our ref: 22/13523/78635
Your ref:

Attn: Harkirat Singh

Dear Harkirat

**Section 62 Consultation
Draft Amendments to Lake Macquarie Local Environmental Plan (LMLEP) 2004 in
Respect of Land at Ramsgate Estate Wyee Point**

I am writing on behalf of the Administrator Terry Lawler of the Koombahtoo Local Aboriginal Land Council in response to your letter dated 3 September. The opportunity to make the following comments on the proposed draft amendment to the Local Environmental Plan (LMLEP) 2004 in respect of land at Ramsgate Estate Wyee Point is appreciated.

It is understood that the draft amendment proposes to rezone land from 10 Investigation to a mixture of urban development and conservation purposes. It is noted that the proposed rezoning on its western boundary adjoins land zoned 7(1) Conservation Primary and is in the vicinity of land zoned 7(3) Environmental (General). This land is in the ownership of the Koombahtoo Local Aboriginal Land Council.

The Land Council is generally supportive of the proposed LEP amendment, however it would wish to have the opportunity to provide further comment when the details of the proposed rezoning are available. It is requested that potential impact on the environmental and cultural heritage values of the Koombahtoo land be considered as part of the Local Environmental Study for the adjoining Ramsgate estate. It is also noted that the proposed rezoning is in close proximity to the former Criminally Insane Unit on Land Council property.

GHD has been working closely with Council to finalise a rezoning proposal for the Koombahtoo land that includes a range of urban development and conservation outcomes. The Land Council is keen to optimise the potential of this land, taking into account the land's proximity to Morisset and the natural and cultural values of the site. It is also noted that the Koombahtoo land may offer opportunities for offsetting the impacts of development of the Ramsgate Estate and other development proposals in the vicinity.

Furthermore, in relation to the Aboriginal Heritage Assessment the Koombahtoo Local Land Council would wish to be consulted as part of any surveys that occur on the Ramsgate Estate land.

If you require more information in relation to the Land Council's plans and aspirations for their land, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Shillington'. The signature is fluid and cursive, with the first name 'Ian' being more prominent than the last name 'Shillington'.

Ian Shillington

Principal Planner

4979 9995



28 September 2007

Ref: 2007-1160

Lake Macquarie City Council
DX 7869
NEWCASTLE

Attention Harkirat Singh

Dear Madam

RE: SECTION 62 CONSULTATION – Draft Amendment to Lake Macquarie Local Environmental Plan (LMLEP) 2004 in respect of land at RAMSGATE ESTATE WYEE POINT

Thank you for your letter of 3 September 2007 seeking comments regarding the proposed draft amendment to the LMLEP 2004 for land at Ramsgate Estate, Wyee Point. Hunter Water values the opportunity to comment on the draft amendment and accordingly offers the following preliminary assessment with respect to providing water and sewer services to the subject land.

Hunter Water's comment should be considered as part of the Section 62 consultation process or as a submission to the public exhibition of the draft local environment plan. Hunter Water has no objection to the rezoning and offers the following advice.

Water Supply

The land proposed for rezoning is located in the Morisset Wyee Water Supply Catchment. It is expected that there will be an additional 250ET from the development. The Morisset-Wyee servicing Strategy (April 2006) identified the site as a potential residential development, however development was only expected to occur beyond 2028.

The site has access to the existing 100mm CICL watermain in Short Street, Bay Street, Lake Street, Railway Street, High Street and the 375mm CICL watermain in Saddlers Way as shown on the attached plan. The site will be supplied by the Morisset 2 Reservoir in Coorumbung Street, Morisset.

It is expected that the Morisset Wyee water system will have sufficient capacity to cater for the development; however this will need to be confirmed at the time of the section 50 application process. The developer will need to submit a water servicing strategy to address:

- Watermain sizes
- Security of supply
- Staging
- Connection points and timing

Wastewater Transportation

The land proposed for rezoning is located within the Dora Creek WWTW catchment and the majority of flows from the development would likely gravitate to Wyee Point 1 WWPS.

The most recent servicing strategy (March 2003) for the Dora Creek catchment did not include the development area; however the Wyee Point area was addressed in a subsequent strategy for this local area. The local strategy involved a new pumping station in the north western corner of the site to service areas not able to drain to Wyee Point 1 WWPS. Wyee Point 1 WWPS was designed to cater for the proposed development; however the expected loads should be reassessed as part of a sewer servicing strategy for the site.

The additional loads from the development would reduce emergency storage time for Wyee Point 1 WWPS to less than 3 hours unless additional storage is provided as part of the proposed works. HWC requires a minimum of four hours emergency storage time. The developer will need to submit a servicing strategy to identify:

- Overall loads for the development
- Staging
- Internal servicing
- Details of on site pump stations
- A preferred option for emergency storage in the Wyee Point 1 WWPS catchment

Wastewater Treatment

Additional capacity at Dora Creek WWTW is planned to be available by late 2009. There is sufficient capacity at Dora Creek WWTW to accept early stages of the development and will have capacity to accept flows from the total development once the upgrade has been commissioned.

General

It is a requirement of Hunter Water that application for a Section 50 "Notice of Requirements" be made for specific development proposals. Hunter Water would then formally assess the development, determine system capacity and nominate actual connection points to water and sewer. The Notice of Requirements would also nominate a number of actions to be completed by the developer. Completion of all actions in the Notice of Requirements triggers release of the Section 50 Compliance Certificate for the development.

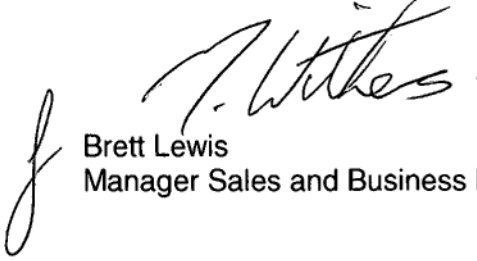
The completion of Hunter Water's requirements (usually works and payment of fees) is best achieved prior to issue of Construction Certificate by Council or private certifier for other associated construction works.

To this end Hunter Water requests that Council continue to include appropriate wording in its development consent conditions to reflect our needs.

Our Development Services team is available at short notice to discuss with Council or the development community their water and sewer servicing needs and I would encourage open communication between all stakeholders.

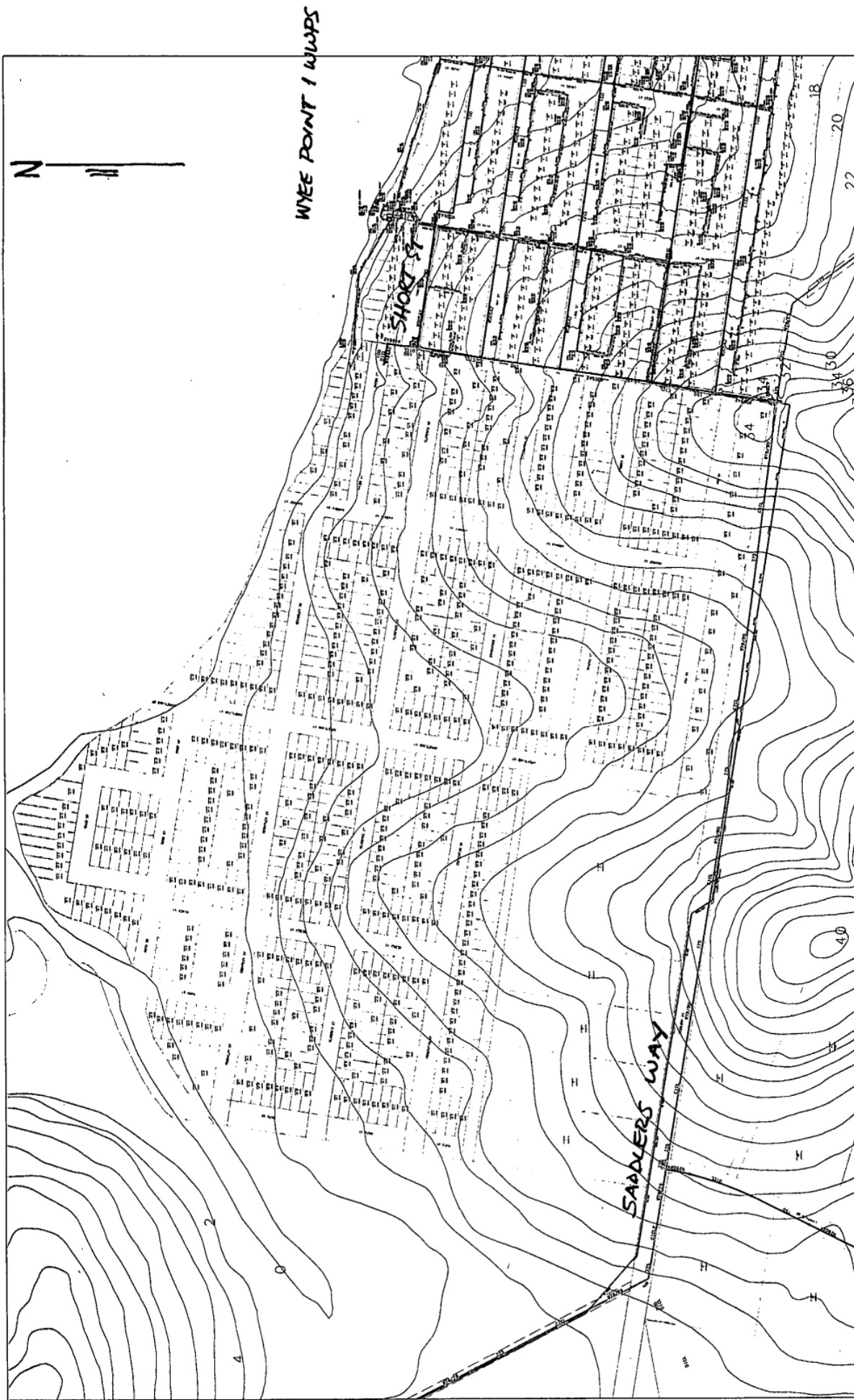
Should you require further clarification or assistance please contact the enquiries officer listed below.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B. Lewis', is positioned above the printed name and title.

Brett Lewis
Manager Sales and Business Development

Enquiries: Bob Daniels
Tel: 02 4979 9723
Fax: 02 4979 9711



Date: 12/09/2007
Scale: 1 : 5000
Notes: Various Lots, Ramsgate Estate, Wyee Point
HWC DOES NOT GUARANTEE THE ACCURACY OF THIS PLAN

In reply please send to: **Newcastle District Office**
Our reference: **FN01-10694L0**
Your reference: **F2005/00421**
Contact: **Paul Gray (02) 4908 4300**

**General Manager
LMCC
Box 1906
HRMC NSW 2310**

24 September 2007

Dear Sir or Madam

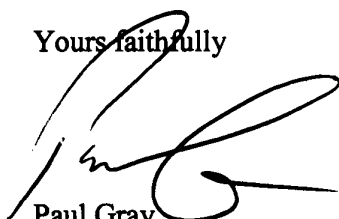
REZONING APPLICATION NO TENQ07-01663L1
RAMSGATE ESTATE WYEE POINT

The Mine Subsidence Board has no objections to the proposed rezoning as described in your letter of 3rd September and accompanying plan.

Centennial Coal has expressed an interest in mining the area and have requested that the Board's two storey brick veneer guidelines be maintained in the area.

The applicant should be advised to seek the Board's approval for any proposed subdivision or the erection of improvements at the appropriate time.

Yours faithfully


Paul Gray
District Supervision



NEWCASTLE:

NSW Government Offices
117 Bull Street
Newcastle West 2302
PO Box 488G
Newcastle 2300
Telephone: (02) 4908 4300
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T 14 (Auto) Nov 2001

P U T T I N G S E R V I C E A N D T H E N E E D S O F P E O P L E F I R S T

Your reference : F2005/00421
Our reference : DOC07/35727; FIL06/921-05
Contact : Karen Thumm, 4908 6829

Mr B Bell
General Manager
Lake Macquarie City Council
PO Box 1906
HUNTER REGIONAL MAIL CENTRE NSW 2310

Attention: Harkirat Singh

Dear Mr Bell

Preparation of Draft Amendment to Lake Macquarie Local Environment Plan (LMLEP) in respect of land at Ramsgate Estate, Wyee Point.

I refer to your letter dated 3 September 2007 requesting comments from the Department of Environment and Climate Change (DECC) on the above matter.

The DECC has considered the Council's guidelines for the preparation of the Local Environment Study (LES) which will inform the LEP. These guidelines have been prepared by Council based on the Department of Planning's specifications for matters to be addressed by this LES. We note that this proposal has not yet been assessed by the LEP review panel. We also note that the proposed rezoning was not considered in the Lower Hunter Regional Strategic (LHRS) and will therefore need to address the sustainability criteria in the LHRS.

General Comments

When reviewing the LEP, it is recommended that Council be satisfied that:

- The "improve or maintain" principle for the conservation of biodiversity values is considered in the preparation of this LES. Information on assessing improvement or maintenance of biodiversity values can be found in the draft document 'Guidelines for biodiversity certification of environmental planning instruments (April 2007)' (<http://www.environment.nsw.gov.au/threatspec/biocertepis.htm>).
- The proposed LEP is not likely to result in impacts on areas of native vegetation, with special reference to threatened or regionally significant flora and fauna species, populations and ecological communities. Where impacts are proposed on areas of biodiversity value, the proponent has clearly demonstrated how they propose to offset any loss in biodiversity value to meet the improve or maintain threshold.

The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

PO Box 488G, Newcastle NSW 2300
117 Bull Street, Newcastle West, NSW 2302
Tel: (02) 4908 6800 Fax: (02) 4908 6810
ABN 30 841 387 271
www.environment.nsw.gov.au

- Any potential landuse conflicts associated with air, noise and odour impacts are adequately addressed, particularly in relation to premises scheduled under the *Protection of the Environment Operations Act 1997*.
- The proposed LEP adequately considers the relevant threatened species provisions of the *Environmental Planning and Assessment Act 1979*, State Environmental Planning Policy (SEPP) 44 - Koala Habitat Protection, SEPP 71 - Coastal Protection and the *Native Vegetation Act 2003*.
- In preparing the LEP, an appropriate level of Aboriginal cultural heritage assessment has been undertaken, and that the proposed LEP is not likely to impact on areas of cultural significance to the Aboriginal community. Also, it is important that the views of Aboriginal community groups be sought and fully considered in regard to the preparation of the LEP.
- Potential direct and indirect impacts on DECC estate e.g. the State Conservation Area to the north of the subject site, SEPP 14 wetlands, wilderness areas, wild rivers, and recognised areas of high conservation value have been adequately considered and avoided, ameliorated or compensated as appropriate.
- Stormwater emanating from the area must be managed in a sustainable manner to prevent any impacts on the adjacent rivers, wetlands or estuaries.

Specific Comments

- We acknowledge Council's comments relating to the significance of the site for some threatened species and Endangered Ecological Communities. The DECC confirms the importance of this site for the Regent Honeyeater and the Swift Parrot, two species listed as endangered in the *NSW Threatened Species Conservation Act 1995*. Furthermore, the significant tree hollow resources provided by the site are important for threatened forest fauna such as Squirrel Gliders and Owls. The Casuarinas on site are a valuable food resource for the Glossy Black Cockatoo, another threatened species which has been observed on the site.
- A review of the Native Vegetation and Corridors Map produced by Lake Macquarie Council shows that the vegetation on the site functions as a corridor from the south and west as well as along the lake edge. The LES should assess potential impacts of this proposal on the function of the area as a corridor for wildlife movement.

Your attention is also drawn to the Commonwealth legislation, the *Environment Protection and Biodiversity Conservation Act 1999*. If the proposed LEP affects any species requiring consideration under this legislation then consultation may be required from the Department of the Environment and Water Resources.

If you have any enquiries concerning this advice, please contact me on 4908 6825.

Yours sincerely



DIANE CROSDALE
Head Planning Unit - Hunter
Climate Change and Environment Protection