

**TABLE OF CONTENTS:**

1	INTRODUCTION.....	2
1.1	LAND TO WHICH THIS PLAN APPLIES.....	2
1.2	BACKGROUND.....	4
1.3	CHARACTER STATEMENT.....	4
1.4	RAMSGATE ESTATE STRUCTURE PLAN.....	7
1.5	SUBDIVISION LAYOUT AND DEVELOPMENT COORDINATION.....	7
1.6	ROAD, PEDESTRIAN AND CYCLING INFRASTRUCTURE.....	8
1.7	BIODIVERSITY.....	8
1.8	VEGETATION MANAGEMENT.....	9
1.9	BUSHFIRE MANAGEMENT.....	10
1.10	WATER QUALITY MANAGEMENT.....	11
1.11	LANDSCAPING STRATEGY.....	11

**FIGURES:**

FIGURE 1 -	SUBJECT LAND.....	3
FIGURE 2 -	RAMSGATE ESTATE PRECINCT PLAN.....	5
FIGURE 3 -	RAMSGATE STRUCTURE PLAN.....	6

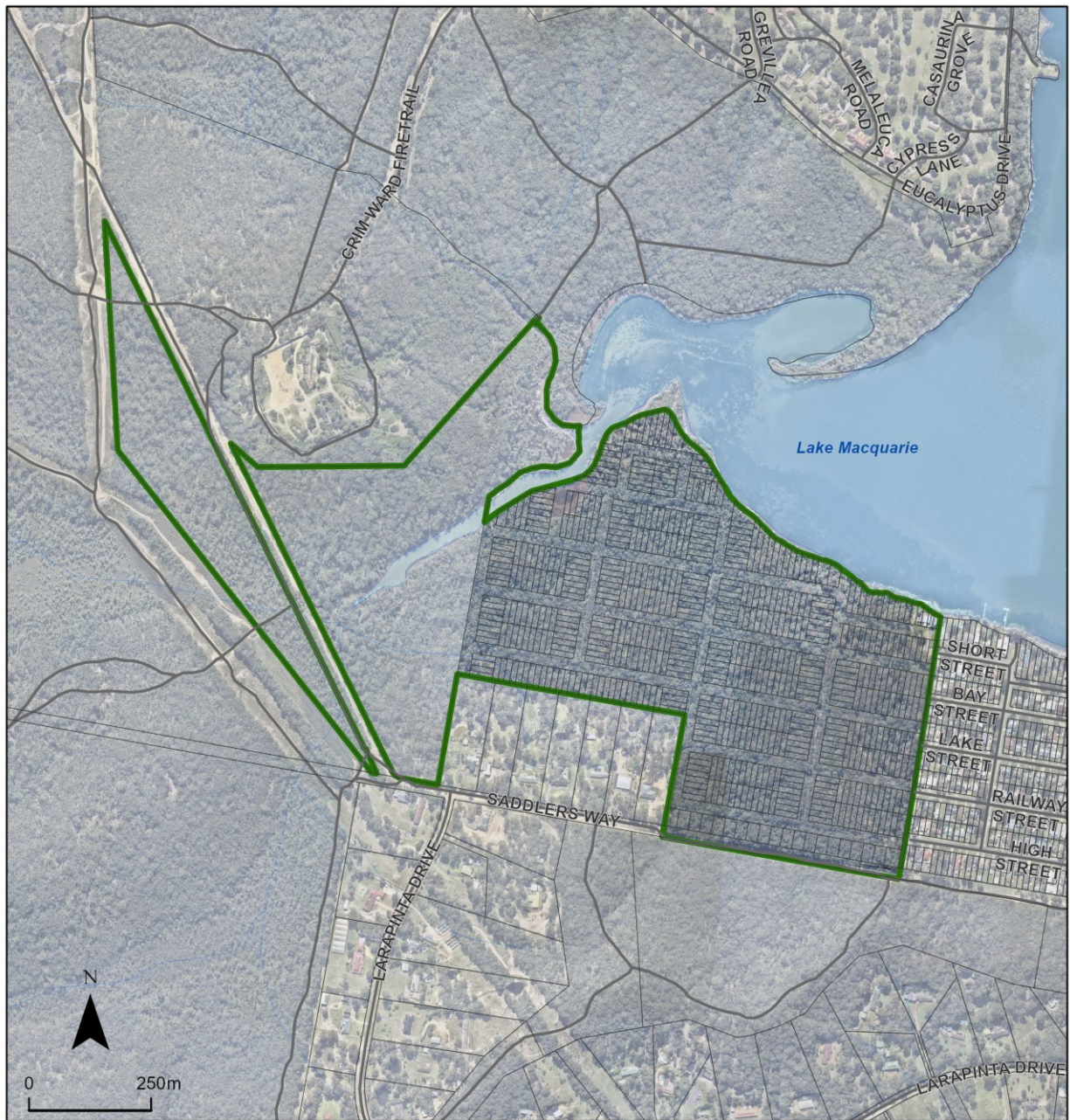
### 1 INTRODUCTION

The Ramsgate Estate, Wyee Point Area Plan provides a guide for the development of land located at Wyee Point, south of Morisset town centre, and known as 'Ramsgate Estate'. The Area Plan will ensure the land is developed in an efficient and coordinated manner, considering environmental, social and economic issues affecting the site.

The Ramsgate Estate Wyee Point Area Plan supplements the Lake Macquarie Development Control Plan 2014 for the future development of Ramsgate Estate, Wyee Point. The plan provides locally specific controls to ensure the effective design and delivery of infrastructure and the built form, while also guiding the management and enhancement of key landscape and conservation features. Any development application within the subject land needs to address the provisions of this Area Plan along with the relevant provisions of other parts of Lake Macquarie Development Control Plan 2014, particularly Part 8 Subdivision Development.

#### 1.1 LAND TO WHICH THIS PLAN APPLIES

This plan applies to all land outlined in heavy green edging as shown in Figure 1 – Subject Land. This land is known as the Ramsgate Estate and includes land comprising the 1885 paper subdivision of the area, as well as bushland to the west of the paper subdivision intended as biodiversity offset lands.



**Figure 1 - Subject Land**

### 1.2 BACKGROUND

Ramsgate Estate is located at Wyee Point in south-west Lake Macquarie. It adjoins the existing residential development of Wyee Point to the west, with rural residential lots and native vegetation to the south. The estate has approximately one kilometre of frontage along Lake Macquarie to the north of the subject land, with a *State Environmental Planning Policy (Resilience and Hazards) 2021* listed wetland area along the north-western boundary.

#### Paper Subdivision

Ramsgate Estate (DP 1596) was subdivided on paper in 1885, resulting in 608 lots with an average size of 400m<sup>2</sup> and a network of 12 roads. The subdivision pre-dates the legislative requirements for infrastructure works to accompany subdivision of land. The lots created by the paper subdivision are therefore without services such as formed roads, drainage, and reticulated water and sewerage. Limited clearing of roads took place as early as 1969, with cleared areas maintained as such until the 1990s. Four lots in the north eastern corner of the Ramsgate Estate paper subdivision contain dwellings connected to utility services. These lots are located within the urban release area and are therefore included within the bounds of the Area Plan. With the exception of these four lots, no further development has occurred and the site remains relatively undisturbed. The 1885 paper subdivision layout is outdated and the majority of the original road network is now closed. The area will need to be re-subdivided to meet current planning practices, policies, and statutory requirements. The guidance offered in this Area Plan aims to coordinate the development of the area by planning controls that facilitate socially, economically, and environmentally sensitive development.

#### Land Use Zones

In 2013 the site was rezoned from RU6 Transition to a combination of R2 Low Density Residential, E4 Environmental Living, and E2 Environmental Conservation land use zones. E-zones were converted to C-zones in 2022. A subsequent rezoning saw an increase in C2 Environmental Conservation land, and remaining C4 Environmental Living land rezoned to R2 Low Density Residential. The land use zones are depicted in Figure 2 – Ramsgate Estate Precinct Plan.

#### Staging

To facilitate the orderly development of the site, a development application is required to subdivide the land in accordance with this Area Plan and other relevant planning documents. It is anticipated that this will occur in at least two stages. Stage 1 is a subdivision to consolidate roads and the original 'paper' lots into larger consolidated parcels of land, herein referred to as 'super lots'. Stage 1 should occur in accordance with Figure 2, which depicts the residential super lots as Precinct A and Precinct B, and a conservation lot as Precinct C. Following stage 1, Stage 2 will see Precinct A and Precinct B subdivided into residential lots with connections to the existing neighbourhoods to the east and south.

### 1.3 CHARACTER STATEMENT

The site comprises two residential precincts and one conservation precinct as shown in Figure 2 – Precinct Plan. It is envisaged that Precinct A and Precinct B will form an extension of the existing Wyee Point village and develop into a quality residential neighbourhood. Precinct A and Precinct B will include a variety of residential lot sizes to promote housing diversity.

The two residential precincts are separated by a vegetation corridor with a width of approximately 130 metres. This corridor links to the foreshore of Lake Macquarie and beyond to the west and south. This Area Plan has identified required links to the existing road network, as well as perimeter roads which provide separation from conservation areas and mitigate bush fire threats.

Future development of the estate must give due consideration to the protection of the adjoining endangered ecological communities, the Lake and wetland. This will be achieved through the utilisation of best practise water sensitive urban design and strategies to ensure water quality is maintained and enhanced.

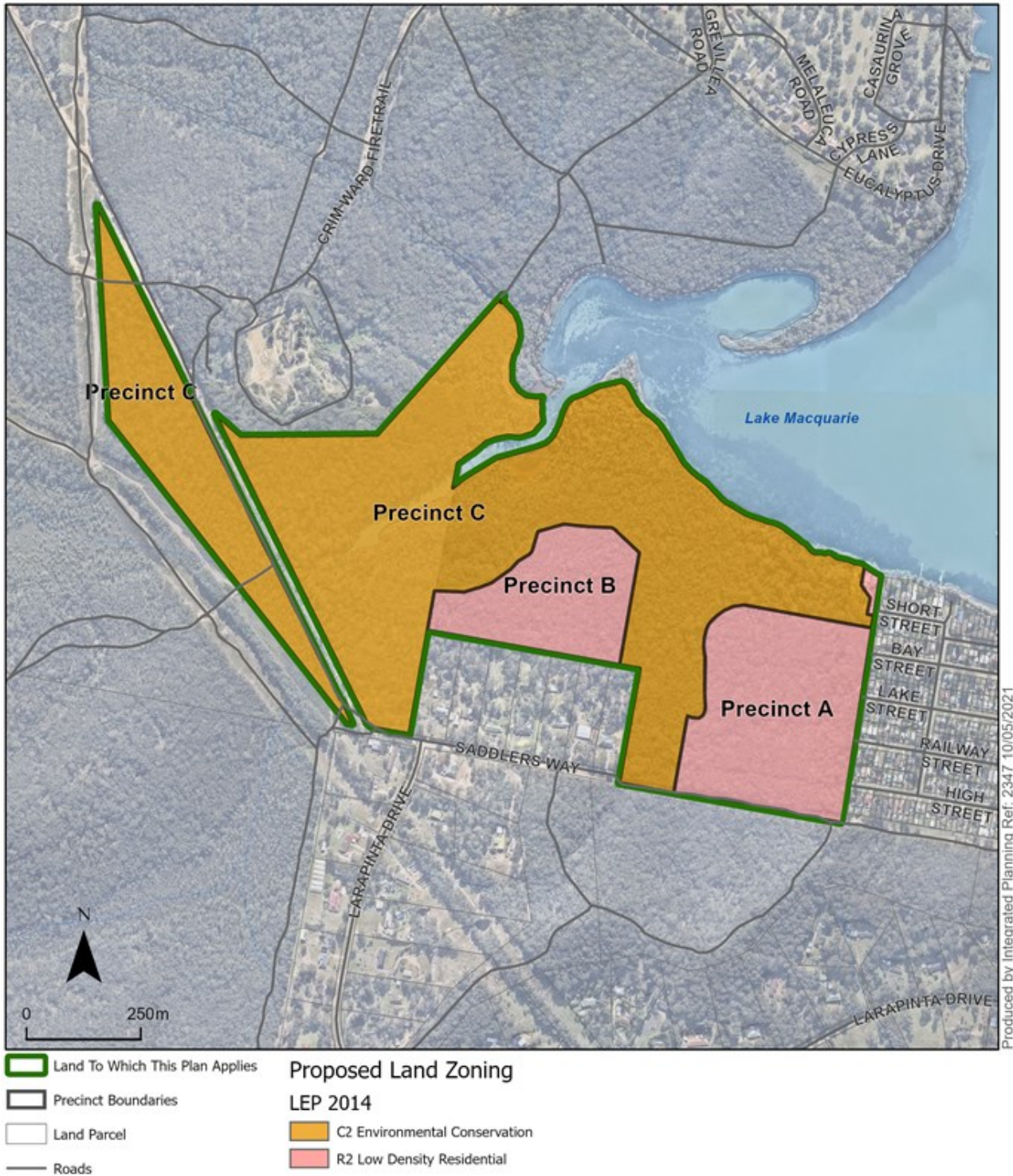


Figure 2 - Ramsgate Estate Precinct Plan

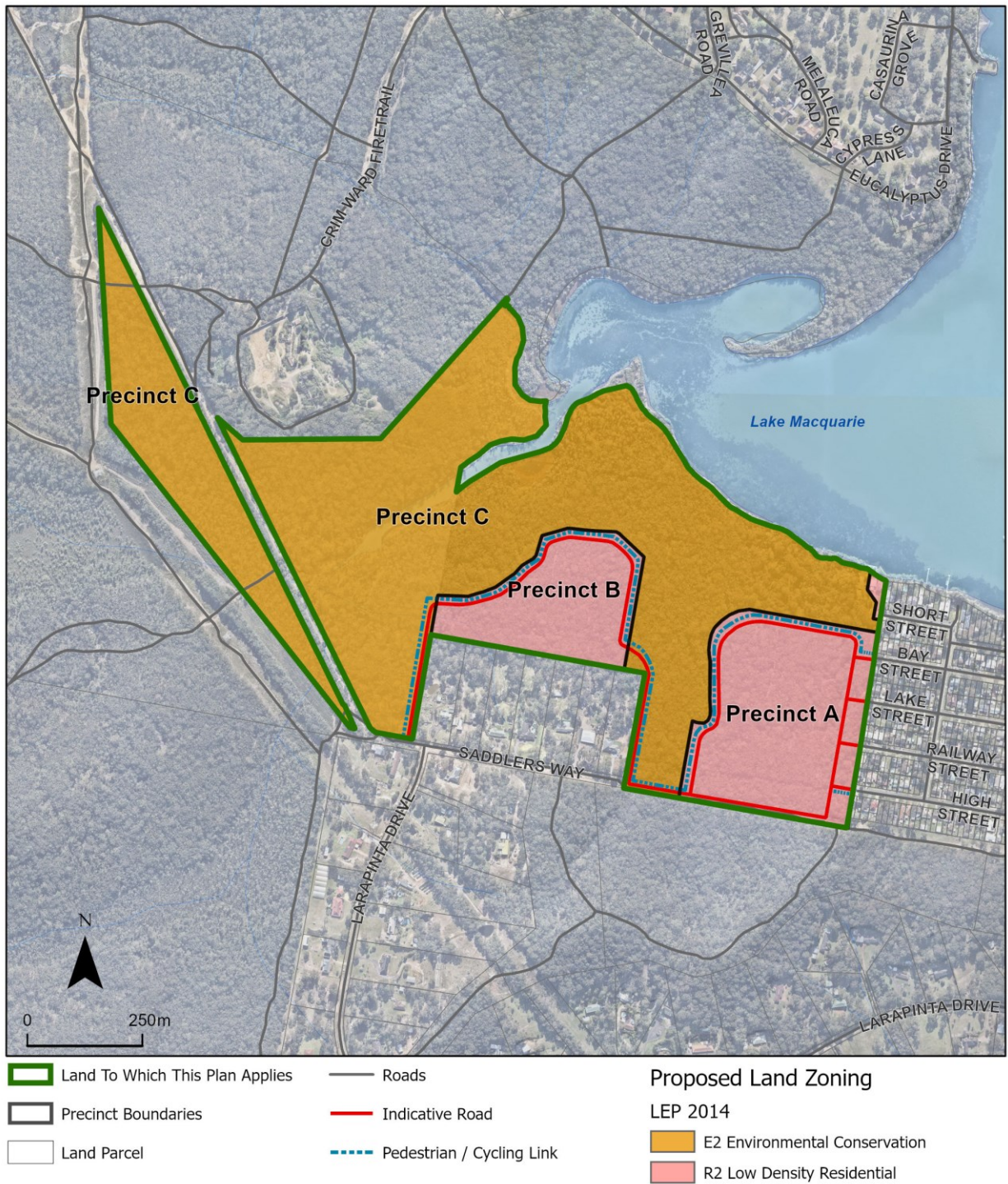


Figure 3 - Ramsgate Estate Structure Plan

### 1.4 RAMSGATE ESTATE STRUCTURE PLAN

The desired urban structure of the site is outlined in Figure 3 – Ramsgate Structure Plan, and aims to:

- Maintain and enhance environmental corridors.
- Establish a perimeter road to define the edge of conservation areas and minimise risk from bushfire hazards. Perimeter roads must be provided between bushfire prone land and development lots to the satisfaction of the NSW Rural Fire Service.
- Locate roads and entries for efficient access and connectivity through the site and between the Precincts.
- Integrate residential Precincts A and B with the existing Wyee Point village.
- Provide safe pedestrian and cycle paths linking to the existing road network, which will contribute to Asset Protection Zones and provide a hard edge to environmental conservation land.

### 1.5 SUBDIVISION LAYOUT AND DEVELOPMENT COORDINATION

**Objectives:**

- a. To ensure that development of Ramsgate Estate is undertaken in a coordinated manner, consistent with Figure 3 – Structure Plan.
- b. To ensure that Ramsgate Estate is developed to reflect the availability of necessary infrastructure and services.

**Controls:**

1. Prior to consent being issued for any form of residential accommodation or any other development, the re-subdivision of the land generally consistent with Figure 3 must be approved.
2. The staging of the subdivision of the land should ensure that:
  - i. development of Precinct A occurs prior to the release of any lots within Precinct B; or
  - ii. both precincts are developed concurrently.
  - iii. Precinct B must not be developed prior to Precinct A.
3. Development must not be approved until essential infrastructure is in place, or adequate arrangements have been made to make them available. Essential infrastructure includes:
  - i. Reticulated water
  - ii. Reticulated sewerage
  - iii. Legal access and roads constructed in accordance with Part 8 of LMDCP 2014
  - iv. Stormwater drainage
  - v. Electricity
  - vi. Telecommunications.
4. In addition to the requirements of Section 1.6(3), any land within the residential precincts not included within the re-subdivision must satisfy the following requirements prior to approval of residential accommodation or any other development:
  - i. Servicing agreement with Hunter Water or a suitable authority for both sewer and reticulated water;
  - ii. Biodiversity offsets in accordance with Section 1.7 of this Plan including a suitable funding mechanism for the management of the offset land in perpetuity;

### 1.6 ROAD, PEDESTRIAN AND CYCLING INFRASTRUCTURE

**Objectives:**

- a. To ensure that adequate pedestrian, cycle, and vehicular links connect the development with the existing urban area to the east and bushland to the west.

**Controls:**

1. The road hierarchy should integrate with the surrounding road network in accordance with the structure plan in Figure 3.
2. The internal street network should consist of a perimeter road along the boundary of both precincts linking to interconnected streets and resulting in a modified grid layout.
3. A shared pathway must be provided to allow safe pedestrian and cycling access between Larapinta Drive, along the northern boundary of the two Precincts, and through to Bay Street.
4. If a road connection is not provided to connect High Street to the internal road layout of the subdivision, a pedestrian link must be provided to enable pedestrian access directly to High Street.
5. Precinct B must have two roads suitable for bushfire access connecting to Saddlers Way to the east and west, as shown in Figure 3 – Ramsgate Structure Plan.
6. The road design should maximise connections from Precinct A to the existing Wyee Point township in accordance with Figure 3– Ramsgate Structure Plan.
7. The ends of existing roads not utilised as a connection between the existing Wyee Point township and the new subdivision must be appropriately terminated in accordance with Part 8 of LMDCP 2014.
8. A perimeter fence, preferably post and cable, must be provided along the outside edge of the shared pathway.

### 1.7 BIODIVERSITY

**Objectives:**

- a. To protect and enhance areas of high biodiversity value.
- b. To ensure that loss of biodiversity values arising from development of the Ramsgate Estate site are offset.
- c. To ensure an appropriate local offset is provided having regard to the extent and magnitude of the biodiversity loss.
- d. To ensure that land zoned for conservation purposes and the biodiversity offset is appropriately secured and managed in perpetuity to maintain and enhance biodiversity values.
- e. To provide for the long-term rehabilitation and management of land retained for biodiversity conservation.

**Controls:**

1. Development of land must not occur where it may have an adverse effect on the biodiversity values of the land zoned C2 Environmental Conservation and or identified for biodiversity offset. Development includes (but is not limited to) cut and fill, stormwater treatment devices, services, retaining walls, roads and bridges or culverts, pathways, and bushfire asset protection works.
2. Development for urban purposes (including services) must provide for adequate and appropriate measures to protect conservation land, including (but not limited to) access control, bushfire asset protection zones, perimeter roads, fencing, drainage and weed controls.
3. Biodiversity offsets must be consistent with the following principles:
  - i. Biodiversity offsets will be used as a last resort, after consideration of alternatives to avoid and/or mitigate impacts.



- ii. Offsets must be based on sound ecological studies (of both the area to be disturbed by the development and the offset area) and principles.
- iii. Offsetting must achieve benefits in perpetuity.
- iv. Offsets must be based on the principle of “maintain and improve”, in terms of both the area of native vegetation and biodiversity values (condition and quality).
- v. Offset arrangements must be enforceable.

**Note:** Should Council’s assessment of the seven-part test conclude that a significant impact will result from development of the land then development and offset arrangements will require the concurrence of the Biodiversity Conservation Division of Department of Planning Industry and Environment. Any proposed biodiversity offset lands must have secure land tenure. Secure land tenure includes the dedication of the land under the National Parks and Wildlife Act 1974, or land dedicated to Council or establishment of a stewardship site extinguishing any credits generated.

4. A vegetation management plan for all land zoned C2 Environmental Conservation and biodiversity offset lands must be prepared, with a suitable endowment fund or similar arrangement established to implement the plan and provide for ongoing maintenance in perpetuity.
5. The endowment fund or similar arrangement must be cost neutral to the land management agency responsible for managing the conservation areas and biodiversity offset lands, and must consider any foreseeable risks.
6. Where conservation area and biodiversity offset land is to be dedicated to Council or a government agency, a legally binding agreement (a planning agreement prepared under the *Environmental Planning and Assessment Act 1979* or similar) must be prepared.
7. Any legally binding agreement must be enforceable and include appropriate transfer arrangement including, but not limited to:
  - i. Land identified as a biodiversity offset must be created as a separate super lot prior to the issue of the first subdivision certificate that would create lots capable of supporting dwellings.
  - ii. Ensure and fund appropriate management of offset lands up to, and including the period of transfer, and suitable timing or staging of the offset transfer.
  - iii. Ensure and fund appropriate management of the offset lands for a specified maintenance period and in perpetuity.
8. If any biodiversity offset land is to be managed by or dedicated to any other organisation or trust, suitable documentation is to be provided to Lake Macquarie City Council to provide certainty that the criteria and arrangements provided for are satisfied, and that adequate financial resources have been secured for management in perpetuity.
9. A biodiversity offset package must be submitted to Council for approval in principle prior to the submission of a development application. Strict like for like may not be required if a superior biodiversity outcome can be achieved in another way.
10. Any shortfall in the area of the offset must be further addressed by the development application, as the development footprint may be less than indicated by the zone boundaries.

### 1.8 VEGETATION MANAGEMENT

**Objectives:**

- a. To secure future management arrangements for the biodiversity conservation land including rehabilitation works funding, monitoring and timeframes.
- b. To provide for relocation of hollows and minimise impact of clearing on native fauna

### **Controls:**

1. A vegetation management plan for the biodiversity conservation land (including C2 Environmental Conservation zoned land and biodiversity offset lands) must be prepared in accordance with Council's Vegetation Management Plan Guideline and include all the matters referred to in those Guidelines.
2. The standard of rehabilitation should achieve a weed free self-sustaining ecosystem requiring minimal maintenance over the long term; and
3. If any land is to be managed by or dedicated to any other organisation or trust other than Lake Macquarie City Council, suitable documentation is to be provided to Council to demonstrate that:
  - i. Adequate financial resources have been secured in perpetuity for the subject land.
  - ii. Proposed buffers, edge treatments and management measures will reduce ongoing impacts and management costs at the interfaces between the conservation area, and urban areas.
  - iii. areas for public walking paths and bushfire trails are located to minimise adverse impacts

**Note:** Council will not accept ownership or management responsibility for any land that is contaminated, including roads or stormwater infrastructure. Council will not consider accepting ownership or management responsibility of conservation land unless management plans have been prepared and implemented to the satisfaction of Council.

4. Hollows of retention value are to be modified as necessary and relocated from the development site to nearby conservation areas and ongoing management /replacement of these dealt with in the vegetation management plan.
5. Clearing protocols for the development area are to be implemented. These may be included in the vegetation management plan.
6. The Vegetation Management Plan must include provision of walking trails through Precinct C, enabling connections between precinct A and precinct B and connection to the foreshore area. These trails should be multipurpose and suitable for other access requirements such as weed or bushfire management.

## 1.9 BUSHFIRE MANAGEMENT

### **Objectives:**

- a. To ensure that the subdivision design includes measures to manage the threat of bushfires without impacting on land zoned for environmental protection purposes or land under the care of Council or land to be dedicated to Council.

### **Controls:**

1. A development proposal must be supported by a Bushfire Planning Report prepared by a suitably qualified professional and in accordance with *Planning for Bush Fire Protection 2019*.
2. Perimeter and non-perimeter roads must comply with Table 5.3b of *Planning for Bushfire Protection 2019*.
3. Bushfire prone areas and Asset Protection Zones must be identified on the Site Analysis.
4. Asset Protection Zones must incorporate a perimeter road, they may also incorporate front and rear property setbacks where required. Where the Asset Protection Zone is at the rear of a dwelling, it must be contained within the boundaries of the lot and maintained by the landowner/occupier.
5. Asset Protection Zones must not incorporate the side of the road reserve that will remain native vegetation or any other land owned by Council or intended to be dedicated to Council. This includes stormwater and drainage infrastructure, landscaped areas and natural areas.
6. Asset Protection Zones must be wholly contained within the residential precincts and not impinge on land retained for biodiversity conservation.

7. Provision of water supplies, electricity services and gas services must comply with Table 5.3c of Planning for Bushfire Protection 2019 guidelines.

### 1.10 WATER QUALITY MANAGEMENT

#### **Objectives**

- a. To ensure the protection of ecologically valuable land and watercourses.
- b. To ensure the stormwater drainage system is designed to maintain the natural watercourses and flow regimes to minimise environmental impacts.

#### **Controls**

1. Stormwater from developed areas must be treated prior to discharging into a natural watercourse or offset area.
2. Stormwater and water quality facilities should be located within the developed areas and not impinge on the biodiversity conservation area.
3. Any stormwater and water quality structures must be designed to integrate with landscaping, revegetation works and ensure adequate flow paths are maintained.
4. Any stormwater and water quality structures must be designed to avoid and minimise impacts from construction and subsequent water discharge (quality and flow regimes including frequency height and duration of inundation) within the offset area. This will involve replicating the natural flows into the C2 Environmental Conservation zoned area.

### 1.11 LANDSCAPING STRATEGY

#### **Objectives**

- a. Minimise impacts of future development and activities or “edge effects” on biodiversity land
- b. Create functioning native ecosystems with non-invasive species in landscaping and stormwater treatment devices
- c. Create a high amenity streetscape that mitigates against urban heat

#### **Controls**

1. Landscaping treatments are to be implemented so as to avoid and minimise ongoing maintenance requirements particularly at the edge between urban and conservation land.
2. Species selection in the urban area shall be reflective of the native species in the local area and ensure that non-invasive species are used.
3. Street lighting shall be designed to be directed to minimise impacts on adjacent environmental conservation land.
4. Stormwater control areas must be vegetated with locally occurring sedges and grasses.
5. Landscaping treatments within the required asset protection zone must comply with *Planning for Bush Fire Protection 2019*.