

## Planning proposal

### Raffertys Resort, Cams Wharf

Summary	Details
<b>Title:</b>	Raffertys Resort, Cams Wharf
<b>Site or locality:</b>	1 WILD DUCK DRIVE CAMS WHARF 2281 2 LORIKEET LOOP CAMS WHARF 2281
<b>Land owner:</b>	Iris Capital
<b>Proponent:</b>	Iris Capital
<b>Reference number</b>	PP-2022-2522
<b>Council reference:</b>	RZ/4/2022
<b>Date:</b>	26 September 2023
<b>Version:</b>	2 – Exhibition
<b>Author:</b>	Abigail Hawtin – Strategic Landuse Planner
<b>Supporting documents:</b>	Attachment 1 – Agency Consultation Attachment 2 – Traffic Impact Assessment Attachment 3 – Socioeconomic Impact Assessment Attachment 4 – Strategic Bush Fire Study Attachment 5 – Flood Management Report Attachment 6 – Desktop Geotechnical Assessment Attachment 7 – Urban Design and Overshadowing Analysis Attachment 8 – Visual Impact Assessment Attachment 9 – Servicing Advice

Version	Date	Details
1	September 2022	Pre-Gateway Version
2	October 2023	Exhibition Version

## Introduction

This planning proposal relates to land at 1 Wild Duck Drive and 2 Lorikeet Loop, Cams Wharf. The site is zoned SP3 Tourism and contains an existing approved mixed-use tourism facility. The planning proposal seeks to enable an enhanced tourism outcome on the site by increasing the maximum building height on part of the site. Provisions are included in the planning proposal to facilitate a predominantly tourism outcome.

## Part 1 – Objectives and intended outcomes

### Objective

To amend the *Lake Macquarie Local Environmental Plan 2014* (LEP) to enable a higher density tourism development at the existing Raffertys Resort, Cams Wharf.

### Intended outcomes

- Reinforce the tourism function of the site by enabling opportunities for re-development of an existing tourist facility
- Facilitate diversification of visitor accommodation within Lake Macquarie
- Contribute to Lake Macquarie South East Growth Area's function as the City's tourism hub
- Remove the additional permitted use on part of the site so that the focus is tourism

## Part 2 – Explanation of provisions

The planning proposal seeks to meet the intended outcomes by increasing the maximum height of buildings permissible on Lot 31 DP270043 from 8.5 metres to 36.5 metres and on part of Lot 30 DP270043 from 8.5 metres to 16 metres. It also intends to remove Lot 31 DP270043 from the additional permitted uses (APU) map. This would mean CI 7.14 of the LEP would not apply to Lot 31 DP270043 and residential development would not be permissible on this part of the site. The purpose of removing Lot 31 DP270043 from the APU map is to ensure a tourism land use occurs on the highest density portion of the site. This is because the strategic justification for the proposal is based on a predominantly tourism outcome occurring on the site.

According to the proponent, the 36.5m maximum building height will enable an eight-storey development which is of sufficient scale to operate a five-star hotel capable of reaching an international market. The 16m height limit on Lot 31 DP 270043 will enable a transition in height and increase residential density on part of the site which will support the viability of the tourism component. According to the proponent, new development (not already approved on site) that utilises the same building footprint and is consistent with the current LEP height control has the ability to increase the site's permanent population by approximately 31%. The increase in height facilitated by LEP Amendment results in a 13.6% increase above the permanent population already permitted under the current controls. This demonstrates a minor increase in permanent residents at the site.

An estimated 14% increase in visitor population can be achieved by the current LEP provisions. Whereas, the proposed increase to the height limit results in 76% increase in visitor population, reinforcing the tourist accommodation land use and supporting the principles of the Lake Macquarie Local Strategic Planning Statement (LSPS) to enhance the tourism economy. This

also demonstrates the primary land use of the site remains as tourist and visitor accommodation.

Table 1. Intended provisions

Amendment applies to	Explanation of provisions
Height of Buildings Map. See Figure 1.	Amend the Lake Macquarie LEP 2014 Height of Building Map from 8.5m to a maximum building height 36.5m on part of Lot 31 DP 270043.
	Amend the Lake Macquarie LEP 2014 Height of Building Map from 8.5m to a maximum building height 16m on part of Lot 31 DP 270043.
	Amend the Lake Macquarie LEP 2014 Height of Building Map from 8.5m to a maximum building height 16m on part of Lot 30 DP 270043.
Additional Permitted Use Map	Amend the Lake Macquarie LEP 2014 Additional Permitted Use Map to remove part of Lot 31 DP 270043.

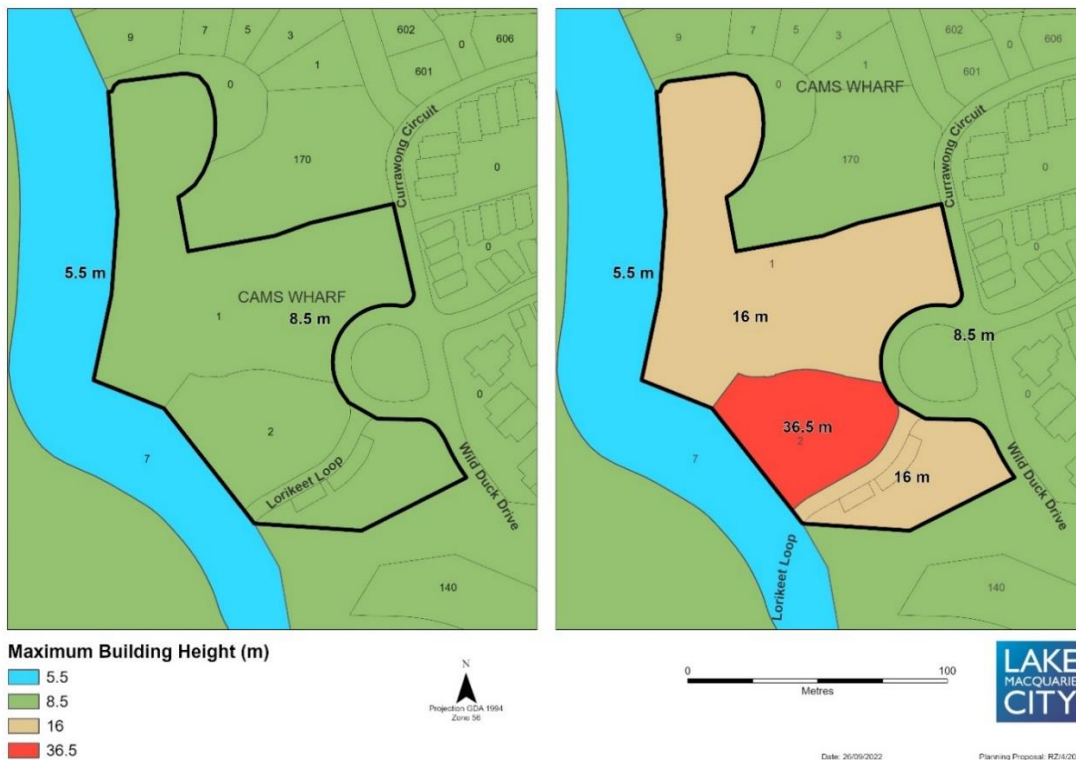


Figure 1: Existing height of building (left) and proposed height of building (right).

## Part 3 – Justification of strategic and site-specific merit

Table 2. Matters for consideration

No.	Question	Considerations
<b>Section A – need for the planning proposal</b>		
1	<b>Is the planning proposal a result of an endorsed LSPS, strategic study or report?</b>	<p>The planning proposal is proponent initiated. It is not a direct action of the LSPS or a strategic study. However, it contributes to achieving the objectives of the LSPS.</p> <p>The LSPS identifies that the tourism sector will continue to be a major job generator for the Lake Macquarie Local Government Area (p.18). The subject site is located within the ‘South East Growth Area’ with this locality identified as being in a ‘prime position to leverage the existing economic and natural landscapes to become the City’s tourism hub’ (p.12). The LSPS aims to be responsive to the changing needs of industry and business to enable opportunities for investment.</p>
2.	<b>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</b>	<p>The proposed height amendment seeks to facilitate the future construction of a five-star or equivalent hotel to be managed by a global hotel chain. Based on consultation with the proponent, in order to achieve a five-star or equivalent rating, and attract a global manager, a minimum number of rooms and gross floor area is required to achieve the standard. Accordingly, to facilitate this level of hotel amenity on the site the specified height is required. Alternate designs which encompass a larger building footprint and lower height cannot be facilitated on the site with the current constraints, such as overland flooding and existing built form. Due to the size and site characteristics which limit potential building footprints, an increase to the maximum building height in the LEP will enable a higher density five-star tourism outcome within the constraints of the site.</p> <p>An alternative option to removing Lot 31 DP 270043 from the APU map, is to amend the site-specific clause to specify a percentage of the site to be developed for tourism, or to specify a ‘predominantly tourism outcome’. This would still ensure a predominantly tourism development across the site without restricting tourism uses to Lot 31 DP 270043. This approach would be difficult to monitor development approvals and ensure compliance, and does not provide as much certainty for Council, the proponent or the community.</p> <p>A Clause 4.6 Variation to the Development Standard is not appropriate because the proposed 28m variation is beyond an appropriate degree of flexibility. The planning proposal process will enable appropriate consideration of impacts and assessment based on extensive consultation and public exhibition.</p> <p>As the capital investment value of the hotel and residential flat buildings are projected to exceed \$10 million in a sensitive coastal location, the development could be assessed as a state significant development which would permit a variation to the development standard. The extent of the</p>

No.	Question	Considerations
		variation sought is considered, by the Department of Planning and Environment, to be too significant to solely rely on the state significant development process and a planning proposal to amend the LEP, considered concurrently with the state significant development application, is their preferred approach.

**Section B – relationship to the strategic planning framework**

<p><b>3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</b></p>	<p><b>Hunter Regional Plan 2041 (HRP)</b></p> <p><b>Strategy 8.2:</b> Planning proposals will accommodate new commercial activity in existing centres and main streets unless it forms part of a proposed new community or is an activity that supports a 15-minute neighbourhood.</p> <p>The site is already zoned SP3 Tourist and includes commercial operations. The planning proposal is consistent with the strategy.</p> <p><b>Strategy 8.5:</b> Planning proposals to facilitate tourism activities will:</p> <ul style="list-style-type: none"> <li>• demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting</li> <li>• be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site</li> <li>• demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes</li> <li>• be supported by an assessment prepared in accordance with the Department of Primary Industries’ Land Use Conflict Risk Assessment Guide if the use is proposed on or in the vicinity of rural zoned lands.</li> </ul> <p>The planning proposal seeks to expand tourist development in an existing SP3 Tourist zone. Surrounding future uses are constrained to within this site and will also be a mix of permanent residential and tourist accommodation. A Visual Impact Assessment to accompany the planning proposal identified a high visual impact from Cams Wharf and within 750m. The assessment recommends a range of mitigation measures including:</p> <ul style="list-style-type: none"> <li>• retention of existing vegetation;</li> <li>• replacement and additional plantings including along the foreshore taking into consideration potential overshadowing of the foreshore; and</li> <li>• building design features including colours, non-reflective materials and building articulation.</li> </ul> <p>The Lake Macquarie Development Control Plan 2014 includes parts dealing with development in tourism zones and foreshore and waterway development. These parts set out controls regarding scenic values, visual impacts, views, solar access, building design, setbacks and a requirement for a masterplan for greater than 50 tourism units.</p>
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No.	Question	Considerations
		<p>The local transport road network can support the increased development proposed. Transport for NSW has identified the need to upgrade some intersections with the Pacific Highway. However, the public transport system would need to be embellished or supported by additional community transport provided by the tourist development to be fully consistent with this strategy. The site is identified in Lake Macquarie City Council’s draft Destination Management Plan 2022-2026 as an important resort offering access to Lake Macquarie. The plan also identifies the need to increase access to the foreshore of the lake and provide additional 5 star accommodation which is achieved by this proposal. Council’s Local Strategic Planning Statement identifies this area as part of the South East Growth Area and the prime position to become the City’s tourism hub. There are few areas of the lake foreshore zoned for tourism with the opportunity to expand. Building on an existing tourism development reduces the cumulative impacts on the lake foreshore.</p> <p>The site is not located in the vicinity of rural zoned lands.</p> <p><b>Greater Newcastle Metropolitan Plan 2036 (GNMP 2036)</b></p> <p>The vision of the Greater Newcastle Metropolitan Plan 2036 (GNMP) is to be Australia’s newest and emerging economic and lifestyle city. The Planning Proposal is consistent with the GNMP, which identifies the importance of attracting both domestic and international tourists to Greater Newcastle. Action 6.3 of the GNMP encourages Greater Newcastle councils to “increase flexibility for new tourism proposals (buildings, hotels, spaces and activities) that do not affect the environmental features, viticulture or other agricultural industries, or natural amenity”. As detailed under the discussion of the HRP and the Draft HRP, the LEP Amendment does not affect the environmental features of the site that should already be taken into consideration under the existing planning controls.</p>
4	<p><b>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan</b></p>	<p><b>Lake Macquarie LSPS</b></p> <p>The Planning Proposal is consistent with the Lake Macquarie LSPS. The LSPS encourages investment in tourism products in Lake Macquarie and highlights the need for flexibility in working with the tourism industry to deliver appropriate products to meet demand. Moreover, the LSPS identifies the “South East Growth Area”, which includes Cams Wharf, as the “prime position to become the City’s tourism hub”</p> <p>The proposal will contribute to the following principles associated with planning priority 3: a city of prosperity – that attracts investment, creates jobs, and fosters innovation:</p> <ul style="list-style-type: none"> <li>• Closely monitor changes in the local, national, and global economies, and respond appropriately</li> <li>• Maximise the potential of existing infrastructure and natural assets to encourage investment and economic and employment growth</li> <li>• Encourage visitors to the City through investment that supports enhanced tourism products and experiences</li> </ul>

No.	Question	Considerations
		<ul style="list-style-type: none"> <li>Engage with industry to increase flexibility for new tourism products (buildings, hotels, spaces, and activities) within strategic centres, rural and environmental areas, and the lake</li> </ul> <p><b>Lake Macquarie Housing Strategy</b></p> <p>While the site is not zoned residential, LMLEP 2014 Cl. 7.14 permits residential accommodation on the site. The strategic justification for the proposal is primarily based on increasing the tourism density of the site. The proposal will also likely result in an increase in residential density on the part of the site with the proposed 16m height limit. The increase in residential density will support economic viability of the tourism component. The increase in residential density is considered modest with an increase of approximately 20 dwelling units permitted on the site.</p> <p>The proposal will enable increased housing density and building typology, which will increase diversity and choice in housing, close to open space in a co-ordinated and efficient way. It will provide a local contribution to the priorities and strategy objectives identified by the strategy beyond the low density detached housing evident in the locality to date.</p> <p>The site is not in a location ranked as 'liveable' by the Lake Macquarie Housing Study, however, it is in a reasonable proximity to local jobs either onsite or within neighbouring suburbs such as Swansea. The site is approximately 7km from Swansea commercial centre, with access to supermarkets, health and medical facilities and cultural opportunities.</p>
5	<p><b>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</b></p>	<p><b>Central Coast and Lake Macquarie Regional Economic Development Strategy 2018 -2022</b></p> <p>The planning proposal is consistent with the Central Coast and Lake Macquarie Regional Economic Development Strategy 2018 -2022, which recognises the need to grow the local visitor economy. The strategy identifies that competition and a failure to provide appropriate infrastructure are risks to local tourism.</p> <p><b>Draft Lake Macquarie Destination Management Plan 2022-2026</b></p> <p>The goal of the draft Destination Management Plan is to grow a visitor economy that is economically, socially and environmentally sustainable; ensuring the lifestyle, heritage, cultural, landscape and environmental assets that form the basis for tourism within the city are retained, protected and enhanced.</p> <p>According to the plan, Lake Macquarie experiences capacity constraints during the summer school holidays, long weekends and when there are major events in the city and/ or in Newcastle. Over the past decade, Lake Macquarie has seen a significant reduction in caravan park accommodation, with a number of caravan parks redeveloped as mobile home parks and accommodation for over 55s. Many of the city's motels, aging. There is also a need for more resort-style accommodation. The plan</p>

No.	Question	Considerations
		<p>recognises existing challenges with the current supply of accommodation being the lack of large, branded four-star or higher hotel and executive apartment properties.</p> <p>The Plan highlights the City's strengths and strategic assets relating to tourism, being,</p> <ul style="list-style-type: none"> <li>• proximity to Sydney, Central Coast and the Hunter,</li> <li>• Lake Macquarie; the largest permanent saltwater lake in the southern Hemisphere,</li> <li>• unique and diverse natural and outdoor assets such as the National Parks and beaches</li> <li>• opportunities around Belmont Wetland and Catherine Hill Bay</li> </ul> <p>There are limited opportunities for redevelopment of tourism zoned sites in the City, particularly in prime lake-front locations. The planning proposal is well placed to leverage and enhance the City's existing tourism strengths and assets by providing diverse accommodation in a lake front location, close to national parks, beaches and wetlands.</p>
6	<p><b>Is the planning proposal consistent with applicable SEPP's</b></p>	<p><b>SEPP (Biodiversity and Conservation) 2021</b></p> <p>Chapter 4 – Koala habitat protection</p> <p>The aim of this chapter is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p>The Planning Proposal is to amend the building height limit for land already zoned for an integrated tourist development, with the subject land already highly disturbed as a result of existing development. The planning proposal will not result in additional permitted land uses and associated opportunities for vegetation clearing that do not exist under the exiting planning framework. Future development of the land to which this planning proposal applies will need to consider if any required tree removal will affect koala habitat.</p> <p><b>SEPP (Resilience and Hazards) 2021</b></p> <p>Chapter 2 – Coastal Management</p> <p>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <a href="#">Coastal Management Act 2016</a>.</p> <p>The site is mapped within the coastal use and coastal environment area. The SEPP identifies considerations for development on the site and requires development to be designed to minimise impacts on the surrounding coastal environment.</p> <p><b>SEPP (Transport and Infrastructure) 2021</b></p>



No.	Question	Considerations
Chapter 2 – Infrastructure		
The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State.		
The Planning Proposal will give effect to an increase in permanent and visitor population on the subject site. The Traffic Impact Assessment identifies that the development does not constitute ‘Traffic Generating Development’ as classified under Schedule 5 of the SEPP. Furthermore, the Traffic Impact Assessment concludes that the Planning Proposal and subsequent population increase would not result in unreasonable traffic congestion or road safety impacts. Pre-Lodgement consultation occurred with Transport for NSW (Attachment 1). Any future development application would have to consider any other infrastructure matters as detailed under Chapter 2, as well as TfNSW requirements.		
<b>7 Is the planning proposal consistent with the applicable Ministerial Directions (section 9.1 Directions)?</b>	The following Ministerial Directions are applicable to the planning proposal:	<p data-bbox="443 943 1177 972"><b>1.1 Implementation of Regional Plans – consistent</b></p> <p data-bbox="443 994 1394 1055">The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p data-bbox="443 1084 1417 1144">The planning proposal is consistent with the Hunter Regional Plan 2041 as detailed in Part A of this planning proposal.</p> <p data-bbox="443 1173 1235 1202"><b>1.3 Approval and Referral Requirements – consistent</b></p> <p data-bbox="443 1225 1394 1285">The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p data-bbox="443 1314 1410 1413">The planning proposal is consistent with this direction as it does not intend to include any provisions that require concurrence or referral of a Minister or public authority.</p> <p data-bbox="443 1442 1054 1471"><b>1.4 Site Specific Provisions – consistent</b></p> <p data-bbox="443 1494 1426 1554">The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p data-bbox="443 1583 1410 1749">The planning proposal is consistent with this direction because it does not introduce site specific provisions to allow a particular development. It aims to amend the Additional Permitted Use map, to remove site specific provisions applying to part of the site in order to ensure a tourism outcome consistent with the land zoning.</p> <p data-bbox="443 1778 1034 1807"><b>3.2 Heritage Conservation – consistent</b></p> <p data-bbox="443 1830 1353 1921">The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>

No.	Question	Considerations
		<p>The planning proposal is consistent with this direction because proposed increased to height is not considered to increase the impact on cultural heritage beyond the existing planning provisions.</p> <p>The foreshore is mapped as a sensitive Aboriginal landscape and a basic AHIMS search identified five Aboriginal sites within a 1km buffer of the site with the closest site identified site 200m north of the subject site. Any future development application on the subject site will be required to consider conservation of Aboriginal heritage in accordance with the Lake Macquarie Local Environmental Plan 2014 and Lake Macquarie Development Control Plan 2014.</p> <p><b>4.1 Flooding – consistent</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</li> <li>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</li> </ul> <p>Part of the land is affected by the flood planning area and a high hazard floodway. A flood management report prepared for the planning proposal and concept master plans show that development is predominantly outside these areas.</p> <p>Development of land in the flood planning area is restricted by existing development controls in the Lake Macquarie LEP and DCP.</p> <p>Xavier Knight prepared a Flood Management Report, in accordance with the Floodplain Development Manual 2005, dated 21 June 2023 (Attachment 5). The Report details the flood characteristics of overland flow from Yalliwali Creek incorporating a climate change scenario. The report identifies a flood way south of Lot 30 DP270043 during the PMF event, shown below.</p> <p>The report identifies a high hazard flood way impacting marginally on the southern portion of Lot 30 and Lot 31 DP270043. When read in conjunction with the master planned concept plans a proposed residential development can be designed to sit outside the high hazard area. Appropriate finished floor level with 500mm freeboard is applicable to any residential development impacted by overland flows and coastal inundation. Any future development application will consider this requirement to manage flood impacts.</p>

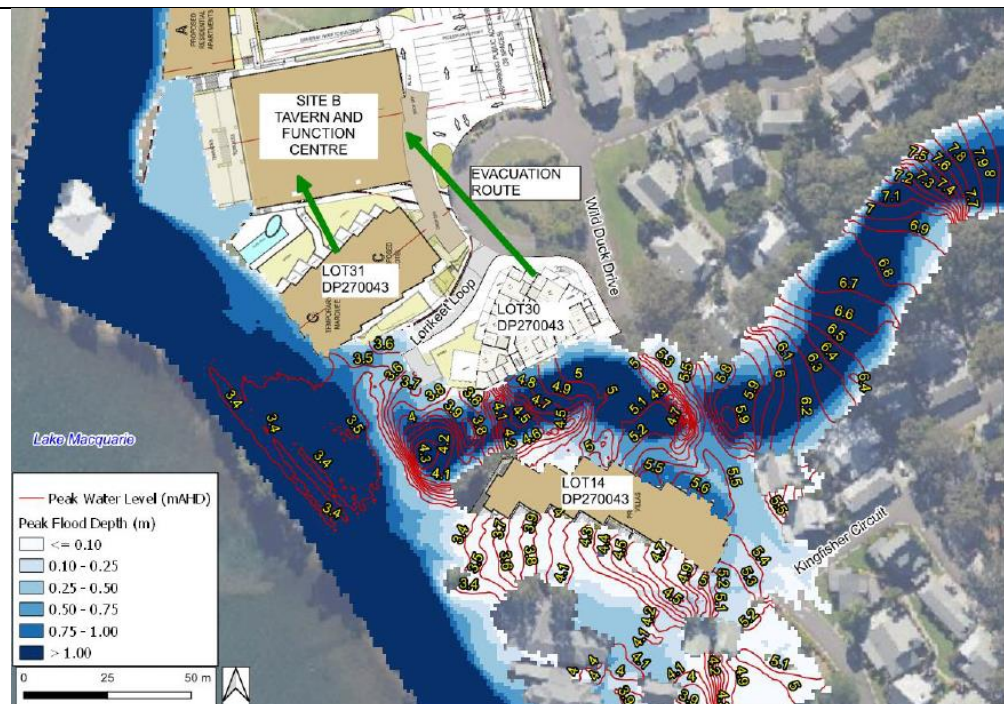


Figure 2 - Extract from Flood Management Report (Xavier Knight; June 2023) showing PMF event evacuation

Flood free areas on the site are accessible and available which can be used as a local refuge or evacuation centre. Regional evacuation routes are affected by local flooding, which may require upgrades to road drainage infrastructure. There are existing controls in the LEP to ensure the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood.

Stormwater management is a site-specific design control which is addressed at development application stage. The proposed increase in height does not alter stormwater management methodology. The Lake Macquarie DCP and Coastal Management SEPP contain controls to ensure effective stormwater management is addressed as part of any future development application.

#### 4.2 Coastal Management – justified

The planning proposal will enable development likely to have a visual impact on the natural amenity/setting of the site. The inconsistency is justified with respect to the proposals overall strategic and site-specific merit. The draft Coastal Design Guidelines recognises the coastal zone as a vital economic zone supporting sustainable coastal economies. The proposal will reinforce the existing land use and encourage domestic and international visitation.

Future Coastal hazards have been considered in the Flooding Management Report (Attachment 5), which determined the site can avoid impacts from sea level rise and flooding associated with climate change. It is not considered the increase in height will significantly impact coastal

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		<p>environment values in relation to biological diversity and ecosystem integrity. Stormwater design will be subject to detailed design at the development application stage.</p> <p>The identified over shadowing and visual impacts are limited due to the sites surrounding topographic features, being the ridgeline to the east and headlands to the north, west and south. As access to the foreshore is provided through the site, existing use of the foreshore is generally limited to visitors and residents of the existing resort, limiting impacts on public use of the foreshore. Future development will need to comply with the Hazards and Resilience (Coastal Management) SEPP which contains controls for managing impacts to the coastal environment including overshadowing, views and foreshore access.</p> <p><b>4.3 Planning for Bushfire Protection – consistent</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</li> <li>(b) encourage sound management of bush fire prone areas.</li> </ul> <p>The planning proposal is consistent with this direction because the site is able to provide appropriate bushfire protection measures.</p> <p>A Strategic Bush Fire Study (Attachment 4) has concluded the proposal complies (or is able to comply) with the provisions of this direction relating to APZs, access roads, water supply, interface with hazard and placement of combustible materials.</p> <p>Consultation with NSW RFS (17 April 2023) raised no objections to the planning proposal. Future development on the site will need to demonstrate compliance with Planning for Bush Fire Protection 2019 including Section 8.2.2 Multi-storey residential development. In this regard, a detailed bushfire evacuation plan would need to be prepared including details of safe onsite and offsite evacuation procedures for all residents and visitors.</p> <p><b>4.4 Remediation of Contaminated Land – consistent</b></p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal is consistent with this direction because it does not propose to change any land use zones, moreover historic land uses on the site do not suggest any likelihood of contamination. As outlined in the provided desktop geotechnical assessment (Attachment 6), previous contamination testing in 2010 involving testing of several soil samples from within the subject site found contaminants to be below the laboratory limit of reporting or below compared thresholds.</p> <p><b>4.5 Acid Sulfate Soils – consistent</b></p>

No.	Question	Considerations
		<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The planning proposal is consistent with this direction because it does not apply to land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>The land is mapped as Acid Sulfate Soils Class 5. According to the Acid Sulfate Soil Manual, Class 5 do not have a probability of containing Acid Sulfate Soils.</p> <p>The subject land and adjacent land have undergone a number of previous geotechnical investigations. A recent review has concluded that soils are not considered potential or actual acid sulfate soils (ASS) given the results are below the tolerable levels detailed in the NSW Acid Sulfate Soil Manual. Further ASS investigation will be undertaken in the proposed disturbance envelopes and to soil disturbance depths during detailed design phase in preparation of any ensuing development application, to confirm the presence of any ASS and requirements for any treatment.</p> <p>The Lake Macquarie LEP 2014 contains provisions pertaining to the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines.</p> <p><b>4.6 Mine Subsidence and Unstable Land – consistent</b></p> <p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p>The planning proposal is consistent with this direction. The site is mapped within the Swansea North Entrance Mine Subsidence district. Consultation occurred with Subsidence Advisory NSW on 11 April 2023. Subsidence Advisory NSW do not object to the planning proposal and their advice indicates there is negligible risk of future mine subsidence impacts occurring at the site. Historical coal mine workings are not present within the area of the proposal, and it is also located outside of an active mining or exploration title. As the site is within a declared Mine Subsidence District any future development at the site will require approval from Subsidence Advisory NSW.</p> <p><b>5.1 Integrating Land Use and Transport – inconsistency justified</b></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>(b) increasing the choice of available transport and reducing dependence on cars, and</li> </ul>

No.	Question	Considerations
		<ul style="list-style-type: none"> <li>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>(d) supporting the efficient and viable operation of public transport services, and</li> <li>(e) providing for the efficient movement of freight.</li> </ul> <p>The site has an existing SP3 Tourist zoning. The minor increase in density is required to meet an enhanced tourism outcome on the site, which is generally supported by regional plans including the Lake Macquarie Strategic Planning Statement and the objectives of the SP3 Tourism zone.</p> <p>The site is approximately 1km from the nearest bus stop which connects the site to the broader region and local services. Given the tourist nature of the site, it is considered that visitors have the option to make use of the amenity, facilities, services provided on site which would reduce the demand on car reliance.</p> <p><b>6.1 Residential Zones – consistent</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) minimise the impact of residential development on the environment and resource lands.</li> </ul> <p>The proposal is consistent with this direction as it will broaden the choice of building types available in the housing market and will make use of existing infrastructure, thereby reducing the consumption of land on the urban fringe.</p> <p><b>6.2 Caravan Parks and Manufactured Home Estates – consistent</b></p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) provide for a variety of housing types, and</li> <li>(b) provide opportunities for caravan parks and manufactured home estates.</li> </ul> <p>The planning proposal is consistent with this direction because it does not remove opportunities for caravan parks and manufactured home estates.</p>

**Section C – environmental, social and environmental impact**

<b>8 Is there any likelihood that critical habitat</b>	The Planning Proposal is to amend the building height limit only for land already zoned for an integrated tourist development, with the subject land already highly disturbed as a result of existing development. Consequently,
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No.	Question	Considerations
	<p><b>or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</b></p>	<p>the proposal itself will not adversely affect critical habitat, threatened species, populations or endangered ecological communities. Council's mapping identifies that a portion of Lot 30, DP270043 contain threatened ecological communities. The impact of tree removal required to facilitate subsequent development of the subject site will be assessed in conjunction with future development applications for the land. A flora and fauna assessment would be required for development application and identify any required mitigation or management measures.</p>
9	<p><b>Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</b></p>	<p><b>Landscape Character and Visual Impact</b></p> <p>The proposed building height of 36.5m is substantially higher (329%) than the existing permissible building height and the surrounding locality, being 8.5m in Cams Wharf and 10m in Murrays Beach.</p> <p>A visual impact assessment was prepared by Terras Landscape Architects, dated July 2022. A review of the visual catchment of the proposed development site showed that views of the site were limited due to the site's location in a southern reach of the lake. Visibility of the site is restricted from the east due to the surrounding topography and vegetation. Views to the site from the west are limited to 2.5km due to Point Wolstoncroft, a vegetated headland which lies across the lake to the west of the site. Viewpoints assessed beyond 1.5km have a low visual impact due to the distance to the site. It is concluded that the proposal will have a high visual impact from within close proximity to the site however this impact will be generally limited to users of the lake and Cams Wharf within 750m (see figure 3 and figure 4). The proposal will have a moderate cumulative visual impact on the surrounding area.</p> <p>The VIA recommends the following mitigation measures to be incorporated into the design of a development application:</p> <ul style="list-style-type: none"> <li>• Implementation of the landscaping plan prepared and submitted with the DA.</li> <li>• Planting where practicable before site works and infrastructure</li> <li>• Consideration might also be given to some further planting along the Lake Edge however, additional factors such as undesirable overshadowing of the public realm, together with view impacts from both the existing and future public and private domains would need to be taken into account</li> <li>• Use of recessive colours and non-reflective building material.</li> <li>• Retention of existing vegetation where feasible, with replacement planting undertaken as soon as practicable;</li> <li>• Consideration of minor articulation of the building form with use of balconies and shadows to reduce the apparent bulk.</li> </ul>



*Figure 3 - proposed massing viewed from Cams Wharf boat ramp where the proposal will have a high visual impact.*



*Figure 4 - proposed massing viewed from Lake Macquarie, 1500m north west of the site where the proposal will have a moderate visual impact.*

### **Traffic and Access**

Traffic impacts associated with the more intensive use of the site that would be facilitated by the planning proposal have also been assessed. Consultants, SECA Solution, noted that traffic capacity is available within the local road network, and that access to the Pacific Highway is available from multiple existing intersections. The TIA concludes that the traffic movements generated by this development will have a minor and acceptable impact on the surrounding road network.



No.	Question	Considerations
		<p>Any upgrades required in association with future development will be addressed at the development application stage. Any impacts of construction on the local and community title road network can be managed as part of a development application, through a dilapidation report and conditions of consent.</p>
<b>10</b>	<p><b>Has the planning proposal adequately addressed any social and economic effects?</b></p>	<p><b>Tourism</b></p> <p>The overarching principles of LSPS Priority 3 aim to enhance tourism and increase flexibility to enable new tourism products in appropriate locations including on the Lake. Providing support for the alteration to the proposed building heights is an example of how flexibility with planning controls will enable the development outcomes meeting Actions 3.6 and 3.12 of the LSPS. The proposal will reinforce the existing tourism land use and encourage domestic and international visitation.</p> <p>The draft Lake Macquarie Destination Management Plan acknowledges the LGA tourism sector is underdeveloped. Council has also targeted growth in tourism as an important element of expanding the LGA economy more generally. The development that will be facilitated by the proposed LEP amendment will have positive economic impacts (both direct and indirect), during the construction of proposed facilities and during the ongoing operation of those facilities.</p> <p><b>Jobs</b></p> <p>Construction phase – The Socioeconomic Impact Assessment (SEIA) prepared by Aigis Group in June 2022 estimates 502 jobs generated during the construction phase of the works associated with the planning proposal.</p> <p>Hospitality operations – The SEIA estimates at the operational stage, the hospitality elements of the resort will support the following, indicative direct employment positions, on a full time equivalent (FTE) basis:</p> <ul style="list-style-type: none"> <li>• Operation of temporary function centre: 10 FTE</li> <li>• Operation of function centre: 20 FTE</li> <li>• Operation of hotel: 21 FTE</li> </ul> <p><b>Housing</b></p> <p>The proponent estimates the proposal will increase potential housing density on the site by approximately 20 units. The proposal will contribute to housing diversity on an infill site.</p> <p><b>Open Space</b></p> <p>Council’s Parks and Play Strategy identifies the following provisional targets: one park for every 1,500 people, 80% of households within a 400m of a park and 100% of households within 800m of a park. Delivery of a new park, playground and tennis infrastructure is planned for a public reserve 700m from the subject site. The existing population of Murrays Beach and Cams Wharf is 775 (ABS 2016). The proponent estimates the planning proposal will generate an increase of 40-50 permanent residents and 174 visitors. The relative increase in population as a result of the planning proposal does not generate significantly more demand for parks and open</p>

No.	Question	Considerations
		<p>space to substantiate additional provision of open space. Moreover, the site benefits from the foreshore and blue space, adjacent to the site.</p> <p><b>Social impacts</b></p> <p>The Socioeconomic Impact Assessment (SEIA) acknowledges social and economic impacts associated with the proposal will predominantly affect local residents with the existing resort, Cams Wharf and Murrays Beach.</p> <p>In relation to the eventual occupation of the villas proposed under the residential redevelopment, the increase in population locally is considered as not being of sufficient scale to impact on the ability of other residents to access services necessary for maintaining their current lifestyles. Raffertys Resort is located 5k from Swansea which provide suitable access to local services to meet the day to day needs of residents.</p> <p>The planning proposal facilitates both tourist accommodation and residential accommodation. The use of the site remains predominantly tourist and visitor accommodation. Accordingly, the character of the locality will remain an integrated tourist facility, yet as a result of the planning proposal is better equipped to attract international visitors.</p> <p>As is noted in the records of engagement with the RSC, there is some concern among engaged residents in relation to the increased use of community assets, based on the increase in population. It is highly likely that increased use would result from the proposed residential and resort developments.</p> <p>The SEIA provides the following recommendations for mitigation of social impacts:</p> <ul style="list-style-type: none"> <li>• Ongoing community engagement</li> <li>• Construction management plans</li> <li>• CPTED compliance</li> <li>• Plans of management in relation to access and control of community property</li> <li>• Statutory liquor licensing obligations</li> </ul> <p>The SEIA concludes that the planning proposal is considered to facilitate positive social and economic outcomes and recommends that any mitigation measures identified in technical reports are implemented to avoid adverse social outcomes.</p>

**Section D – Infrastructure (Local, State and Commonwealth)**

<p><b>11 Is there adequate public infrastructure for the planning proposal?</b></p>	<p>The planning proposal will facilitate a higher density of development than is currently achievable on the subject land. Reticulated water, sewerage, power and NBN are currently available within Raffertys Resort. Preliminary consultation has occurred with the relevant service providers to confirm that infrastructure can be augmented as necessary to service the proposed future development. The Servicing advice demonstrates that with suitable upgrades, development facilitated by the planning proposal can be</p>
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No.	Question	Considerations
		<p>supported. To this extent, it is considered that there is adequate essential services to supply future development.</p> <p><b>Infrastructure contributions</b></p> <p>The proposal will have a minor impact on demand for local services/infrastructure. Lake Macquarie Council will levy local infrastructure contributions in conjunction with development applications for the land. The applicable plan is identified as the Lake Macquarie City Council Section 7.12 Contributions Plan – Citywide 2019 and the Lake Macquarie City Council Development Contributions Plan 2017 Belmont Contributions Catchment.</p> <p>A new contributions plan is not considered required as a result of the planning proposal to increase the height. The minor increase in resident population and demand on infrastructure can be facilitated under the above-mentioned contributions plans.</p> <p>Given the minor population increase the demand on public infrastructure is considered reasonable without the trigger to provide additional public amenities or services. The location provides suitable recreational blue space which allows for water activities such as boating, kayaking, fishing and swimming. Lake Macquarie and Munmorah State Conservation Areas area located south of the resort. This public greenspace provides ample area for residents and visitors to partake in outdoor leisure activities. It is considered that there is sufficient public recreation area surrounding the locality to manage the potential increases demand. Lake Macquarie Parks and Play Strategy includes targets of one park for every 1,500 people, 80% of residents in urban areas have access within a 400m walk, 100% within 800m. Delivery of a new park, playground and tennis infrastructure is planned for a public reserve 700m from the subject site. Murrays Beach and Cams Wharf have a total population of 776 (ABS 2016). The proposal is likely to generate approximately an additional 174 visitor and 40- 50 permanent residential population which meets the targets associated with the strategy.</p> <p>Local infrastructure contributions will be collected at DA stage in accordance with the relevant plan. The monetary contribution is expected for the embellishment of existing open space areas.</p> <p>Any traffic and transport upgrades required in association with development of the site will be addressed at the development application stage.</p>

**Section E – State and Commonwealth interests**

<p><b>12 What are the views of state and federal authorities and government agencies consulted in</b></p>	<p>Pre-lodgement consultation (Attachment 1) occurred with the following agencies:</p> <p><b>Subsidence Advisory NSW – 11 April 2023</b></p> <p>Subsidence Advisory NSW identified the site is within a declared Mine Subsidence District (MSD) and future development will require Subsidence Advisory’s approval. Subsidence Advisory’s records indicate a negligible</p>
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No.	Question	Considerations
	<p><b>order to inform the Gateway determination ?</b></p>	<p>risk that future subsidence impacts will occur at the site as it is not undermined, is located outside the influence of historical coal mine workings and located outside of an active coal mine or exploration title.</p> <p><b>Biodiversity Conservation Division - 13 April 2023</b></p> <p>BCD provided 7 recommendations in relation to the planning proposal:</p> <ol style="list-style-type: none"> <li>1. BCD recommends that the scale and height of proposed development is reconsidered to ensure that it conforms with the provisions of the Resilience and Hazards (RH) SEPP with regards to visual amenity and scenic qualities.</li> <li>2. BCD recommends that the scale and height of proposed development is reconsidered to ensure that it conforms with the mandatory provisions of the draft Coastal Design Guidelines with respect to Outcome B.2 "Respond to and protect elements which make the place special".</li> <li>3. The flood model should be revised to ensure that it reflects current and future flood risk.</li> <li>4. Flood modelling should reflect an appropriate design horizon (post 2100) for determining future risk to the development.</li> <li>5. The proponent should demonstrate safe evacuation routes from each of the sites where an increase in residential or visitor occupation is requested. For evacuation purposes floods up to the Probable Maximum Flood (PMF) should be considered. Vertical evacuation (Shelter In Place, SIP) is not considered to be evacuation from an area of risk.</li> <li>6. The proponent should demonstrate how the proposal is consistent with the special flood consideration or Section 4.1.4 of the Local Planning directions with respect to land between the flood planning area and the PMF.</li> <li>7. Further detail would be required to consider any proposal for shelter in place.</li> </ol> <p><u>Council staff response:</u></p> <p>Ministerial direction 4.1 Flooding and 4.2 Coastal Management is justified in section 7 of this planning proposal. Comments relating to flood modelling and evacuation are addressed in a revised flood management report (Xavier Knight 21/06/2023).</p> <p><b>NSW RFS – 17 April 2023</b></p> <p>The NSW RFS raises no concerns regarding the proposed amendments to the Lake Macquarie Local Environmental Plan 2014. Future development of the site will be required to comply with <i>Planning for Bushfire Protection</i> 2019 including Section 8.2.2 Multi-storey residential development.</p> <p><b>Transport for NSW – 28 April 2023</b></p> <p>TFNSW object to progression of the planning proposal on the basis that future development of the site will add additional movements to the intersection of the Pacific Highway, Cams Wharf Road and Flowers Drive.</p>

No.	Question	Considerations
		<p>TfNSW identified existing safety concerns at the intersection, namely risks associated with high speed / high severity crashes.</p> <p><u>Council staff response:</u></p> <p>Detailed assessment of traffic impacts and solutions will be determined through development applications, when a development is proposed and transport outcomes can be assessed and conditioned.</p> <p>Access arrangements are available to the site via the Pacific Highway to Cams Wharf Road then Raffertys Road into the resort. There are multiple options for egress of outbound traffic, being the Cams Wharf Road/ Pacific Highway intersection, or the signposted route via Nords Wharf to join the Pacific Highway at Nords Wharf Road or otherwise at Awabakal Drive which is currently being signalised.</p> <p>Given that multiple alternative access arrangements are possible and the safety of the intersection can be improved through upgrades, access and traffic impacts can be managed through subsequent development applications.</p> <p>Arrangements for funding of intersection upgrades will be subject to the development application process. Mechanisms for funding arrangements for upgrading infrastructure include voluntary planning agreements, developer contributions or conditions of consent. This will be subject to assessment of the nexus between the development application and the infrastructure requirements.</p>

# Part 4 – Maps

## Map 1 – Locality



Subject Land

**Locality**

0 2  
Kilometres

N

Projection GDA 1994  
Zone 56

Base Map Credits: World\_Street\_Map: Esri, HERE, Garmin, NGA, USGS

Date: 15/08/2022

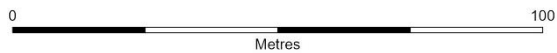
Planning Proposal: RZ/4/2022

**Map 2 – Aerial**



- Subject Land
- Land Parcel

**Air Photo**  
**2022 Aerial Photography**  
 Nearmap Imagery 2022



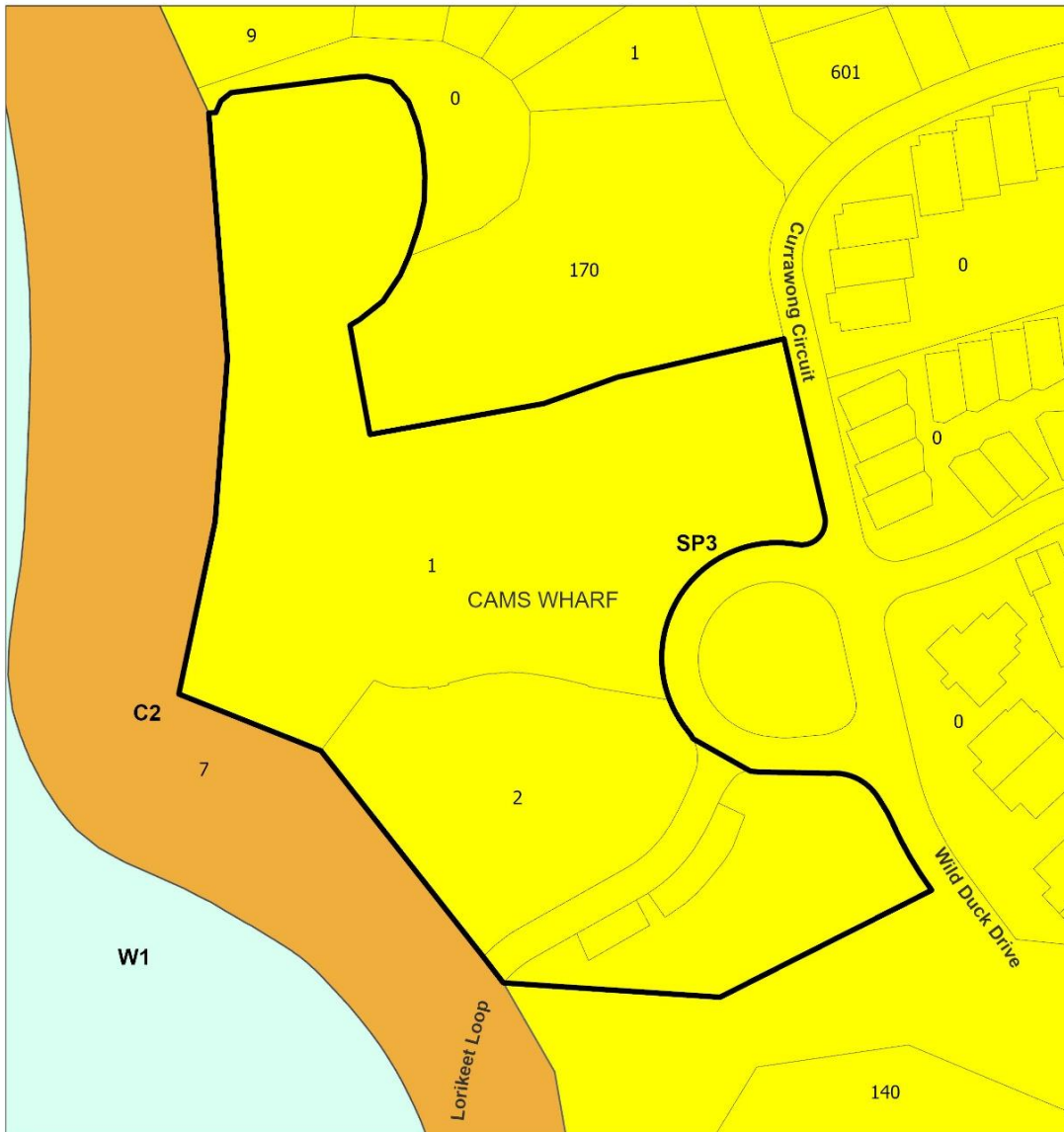
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 Zone 56



Date: 15/08/2022

Planning Proposal: RZ/4/2022

### Map 3 – Existing land zoning





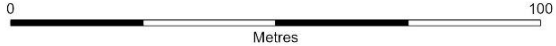




Subject Land	<p><b>Existing</b></p> <p><b>Land Zoning Map</b></p> <p>Lake Macquarie Local Environmental Plan 2014</p> <p>0 <span style="margin-left: 150px;">100</span></p> <p style="text-align: center;">Metres</p> <div style="text-align: center;">   <small>Projection GDA 1994 Zone 56</small> </div> <div style="text-align: right;">   <small>Date: 15/08/2022    Planning Proposal: RZ/4/2022</small> </div>
Land Parcel	
<b>Land Zoning</b>	
C2 Environmental Conservation	
SP3 Tourist	
W1 Natural Waterways	

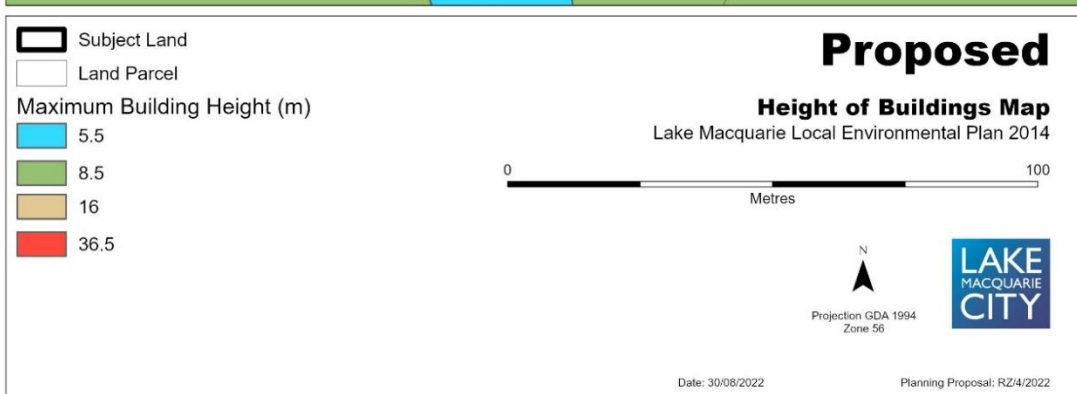


**Map 4 – Existing height of buildings**

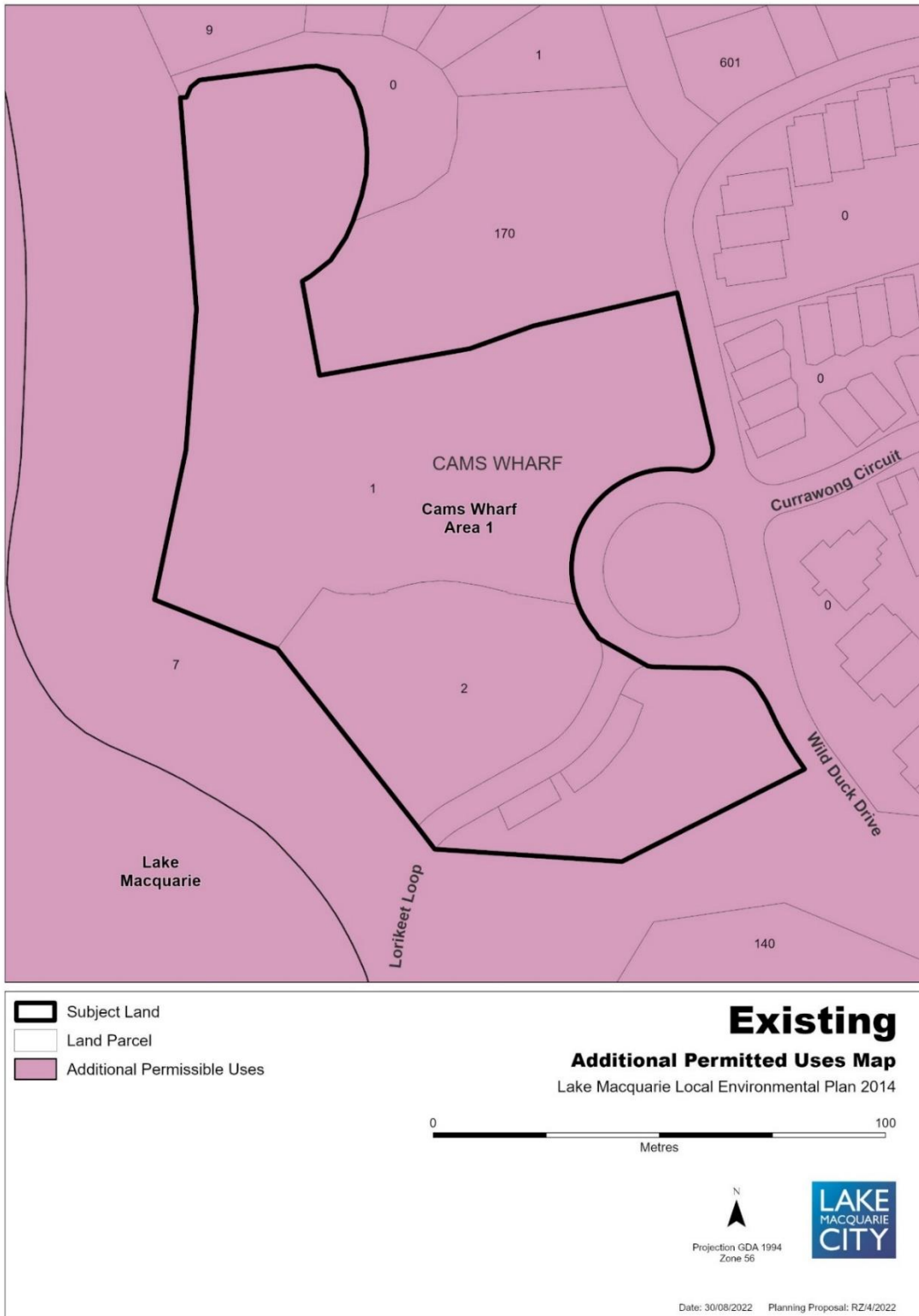


 Subject Land	<b>Existing</b>
 Land Parcel	
<b>Maximum Building Height (m)</b>	
 5.5	<b>Height of Buildings Map</b> Lake Macquarie Local Environmental Plan 2014
 8.5	
 0 Metres 100	
 Projection GDA 1994 Zone 56	
	
Date: 15/08/2022 <span style="float: right;">Planning Proposal: RZ/4/2022</span>	

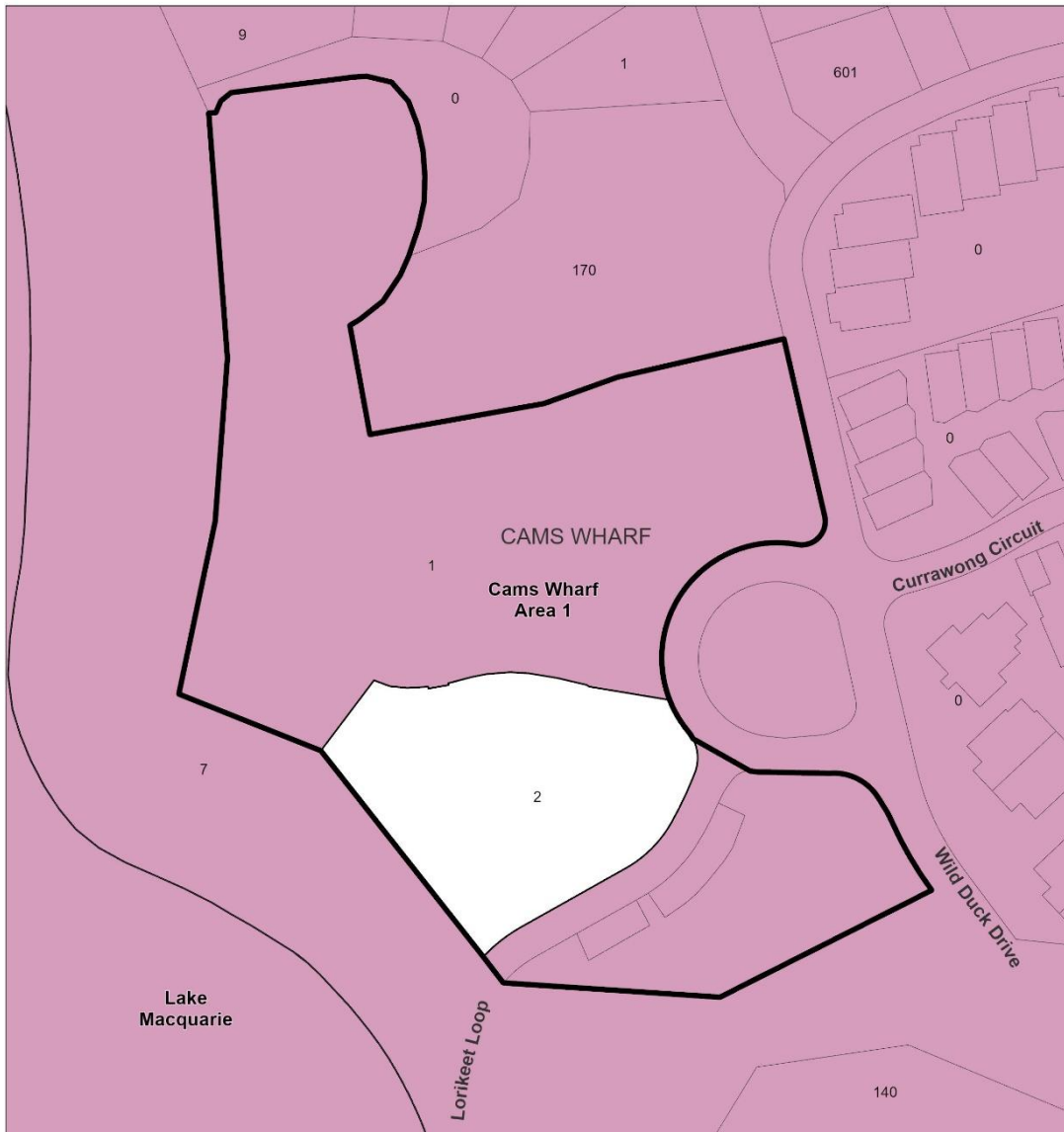
**Map 5 – Proposed height of buildings**



## Map 6 – Existing additional permitted uses



## Map 7 – Proposed additional permitted use



-  Subject Land
-  Land Parcel
-  Additional Permissible Uses

## Proposed

**Additional Permitted Uses Map**  
Lake Macquarie Local Environmental Plan 2014



N  
Projection GDA 1994  
Zone 56



Date: 30/08/2022 Planning Proposal: RZ/4/2022

## Part 5 – Community Consultation

The planning proposal will be exhibited in accordance with the Lake Macquarie Community Participation Plan and the Gateway determination.

## Part 6 – Project Timeline

Stage	Timeframe and / or date
Council meeting	14 November 2022
Gateway determination	25 working days/ 24 March 2023)
Post- exhibition	70 working days
Commencement and completion of public exhibition period	30 working days
Post-exhibition review and assessment	85 working days
Finalisation	70 working days
Completion date	27 March 2024