

24DP009	Endorsement of Raffertys Resort Planning Proposal
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Key focus area	4. Diverse economy
Objective	4.1 Our city is a vibrant destination that reflects the lifestyle, culture and natural environment that make it special
File	RZ/4/2022 - D11256920
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Responsible manager	Manager Integrated Planning - Wes Hain
Previous items	22DP016 - Raffertys Resort Planning Proposal - Development and Planning Standing Committee - 14 Nov 2022 6.30pm

Executive summary

Address:	Lot 31 DP 270043, 2 Lorikeet Loop, Cams Wharf Part of Lot 30 DP 270043, 1 Wild Duck Drive, Cams Wharf
Owner:	Iris Raffertys Property PTY Limited
Proponent:	Iris Raffertys Operations Trust

This report details the results of the public exhibition and state agency consultation and seeks Council’s resolution to endorse the planning proposal in Attachment 1.

The planning proposal seeks to increase the maximum building height from 8.5m to 16m on part of the site and up to 36.5m on another part of the site to enable tourist development of a scale to attract a five-star hotel operator.

The planning proposal was exhibited from 9 October to 4 December 2023, and 161 submissions were received including 158 submissions objecting to the proposal. A summary of issues raised and responses can be found in Attachment 2. No changes were made to the planning proposal as a result of public exhibition.

Recommendation

Council:

- A. notes the submissions received during public exhibition (Attachment 2) and the outcomes of the State agency consultation,
- B. endorses the planning proposal to amend the *Lake Macquarie Local Environmental Plan (LMLEP) 2014*, as provided in Attachment 1,
- C. requests the Minister for Planning and Public Spaces to make the amendment to the *Lake Macquarie Local Environmental Plan 2014*, pursuant to the provisions of the *Environmental Planning and Assessment Act 1979*, and
- D. notifies those who made a submission of Council’s and the Minister’s decision.

Context

On 14 November 2022 (22DP016), Council resolved to exhibit the Raffertys Resort Planning Proposal.

The planning proposal was initiated by the landowner and applies to land at 1 Wild Duck Drive and 2 Lorikeet Loop, Cams Wharf. The site is within Raffertys Resort which has been operating as a mixed-use tourism facility since 1993. The existing resort contains a range of residential and tourism units, as well as a tavern, function centre and recreation facilities managed under a community title scheme. The part of the resort subject to the planning proposal is adjacent to the foreshore of Lake Macquarie and is predominantly cleared of vegetation (see Figure 1).

The site is zoned SP3 Tourist, which permits a range of tourism land uses. The SP3 Tourist zone objectives aim to provide for a variety of tourist-oriented development, sensitive design which complements its location, and to preserve land for tourism by limiting development and uses that are not tourist-related. Dwellings are also permitted within the resort, as an additional permitted use under Clause 7.14 of the *Lake Macquarie Local Environmental Plan (LMLEP) 2014*.



Figure 1: Subject land

Discussion

The planning proposal aims to make the following changes to the *LMLEP 2014*:

- Increase the maximum building height from 8.5m to 36.5m at 2 Lorikeet Loop, Cams Wharf
- Increase the maximum building height from 8.5m to 16m at 1 Wild Duck Drive, Cams Wharf
- Change the Additional Permitted Use map to ensure only tourism uses are permitted on 2 Lorikeet Loop, Cams Wharf.



Figure 2: Existing building height (left) and proposed building height (right)

The proposed height of 36.5m aims to enable tourist development of a scale to attract a five-star hotel operator. The planning proposal provides an opportunity for the city to diversify its visitor accommodation in a high amenity location within an existing tourist zone. The proposed 16m height on 1 Wild Duck Drive will enable a transition in building height and increase residential yield on part of the site which will support the viability of the tourism component.

The planning proposal is consistent with the Lake Macquarie Local Strategic Planning Statement (LSPS), which identifies the tourism sector continuing to be a major job generator for the city. The LSPS encourages investment in tourism developments in the city and highlights the need for flexibility in working with the tourism industry to deliver appropriate products to meet demand. The site is located in the 'South East Growth Area' which is identified as the prime location for the city's tourism hub.

The Lake Macquarie Destination Management Plan 2022-2026 identifies that Lake Macquarie experiences tourism accommodation capacity constraints during the summer school holidays, long weekends and when there are major events in the city and/or in Newcastle. The plan recognises existing challenges with the current supply of accommodation being the lack of large, branded four-star or higher hotel and executive apartment properties. There are limited opportunities for redevelopment of tourism zoned sites in the city, particularly in high amenity 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 nature reserves and recreation opportunities.

Future tourism accommodation development application on the site is likely to be assessed as state significant development due to the site's sensitive coastal location. However, there are no state significant development applications currently lodged on the site.

Community engagement and internal consultation

The planning proposal was initially exhibited from 9 October to 17 November 2023. An extension to the exhibition period was provided until 4 December 2023. Notification letters were sent to 1721 property owners and residents of Cams Wharf, Murrays Beach, Nords Wharf and Gwandalan. The planning proposal was also advertised on the Shape Lake Mac website and e-newsletter, and in the Newcastle Herald.

Council received a total of 161 submissions including 158 submissions objecting to the planning proposal. A summary of the submissions is provided in Attachment 2.

The main issues raised related to traffic and parking, visual impact, noise and impacts on the current quiet lakeside character of the resort.

Agency consultation

Council consulted with Biodiversity Conservation Division (BCD), NSW Rural Fire Service, Subsidence Advisory NSW, and Transport for NSW.

NSW Rural Fire Service and Subsidence Advisory NSW raised no concern with the planning proposal.

BCD requested technical updates to the flood management report, including evacuation considerations. The proponent supplied additional information demonstrating flooding emergency response strategies that can be implemented to ensure resident safety in a major flood event.

BCD also raised concerns about the scale and height of proposed development, being in a coastal use area. A visual impact assessment determined the proposal will have moderate and high visual impacts within 750m of the site. The visual impact further afield is limited due to surrounding topography and vegetation. Any future development application will be assessed in accordance with the State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 which includes controls for managing impacts to the coastal environment including overshadowing, views and foreshore access. Development will also be assessed against the Lake Macquarie Development Control Plan 2014 which contains controls for scenic values, visual impacts, views, solar access, building design and setbacks. The visual impact of the proposal has been considered against the significant tourism opportunity for the city, noting there are limited sites zoned SP3 Tourist available in a prime lakefront location. While being a visually sensitive area, the lakefront location is an important drawcard for tourism attraction.

Transport for NSW (TfNSW) initially submitted an objection to the planning proposal due to safety concerns associated with the intersection of Cams Wharf Road and the Pacific Highway. Transport for NSW advised the intersection has a history of high severity crashes related to the right turn out of Cams Wharf Road. TfNSW do not support any additional traffic turning right at the intersection in its current state.

The proponent has continued to work with TfNSW on potential design solutions to improve the safety of the intersection. The proponent has prepared a strategic design to ban the right turn out of the intersection which could be implemented as part of a future development application. Alternative routes are available for vehicles travelling southbound, including via Nords Wharf Road and the signalised Awabakal Drive intersection.

The proponent has prepared a letter of intent to enter into a planning agreement with the State Government. The letter of intent states that if a development consent is granted on the site, the proponent will upgrade the intersection as per the strategic design or provide a monetary contribution to the State Government for a future upgrade of the intersection. As a result, TfNSW have recently issued a letter withdrawing their objection to the planning proposal and now support the planning proposal proceeding to finalisation.

Further detailed assessment will occur in conjunction with any future development application based on the specific development design proposed at that time.

Assessment of options

The planning proposal is consistent with the LSPS and Lake Macquarie Destination Management Plan 2022-2026. Endorsing the planning proposal will enable higher scale tourism development on the site which will increase and diversify the city's tourism accommodation options and support tourism in the city's nominated tourism hub. This is the recommended option.

Not adopting the planning proposal will retain the existing 8.5m height standard in the *LMLEP 2014*. Lower scale tourism and residential development will continue to be permissible on the site.

Next steps

If Council endorses the recommendation to amend the *LMLEP 2014*, the planning proposal will be referred to the NSW Department of Planning, Housing and Infrastructure requesting finalisation.

Key considerations

Economic

The planning proposal will support growth in the city's visitor economy by adding to the diversity and supply of visitor accommodation in a prime lakefront location. There are limited opportunities for this form of development in tourism zones throughout the city.

The planning proposal will make more efficient use of land by facilitating redevelopment of an existing tourism site and maximise the potential of existing infrastructure and natural assets to support investment and employment. The planning proposal is estimated to generate 502 jobs during the construction phase and 51 ongoing jobs during the operational stage. The planning proposal will increase visitor units by 121, significantly increasing availability of tourism accommodation on the site. It will also facilitate approximately 20 additional dwellings on the site, which will support the viability of the tourism development and contribute to housing diversity.

Environment

The planning proposal seeks 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. Any environmental impact associated with a future development of the subject site will be assessed as part of future development applications for the land.

Community

The social impacts associated with the increase in density and more intensive use of the site will predominantly affect residents and landowners in the community title scheme in the existing resort. Future development on the site will require a social impact assessment to identify specific measures to mitigate impacts on the local community.

A landscape and visual impact assessment concluded the increased height will result in high to moderate visual impacts within 750m of the site. Visual impacts further afield are limited due to vegetation and ridgelines to the north, east and south and Point Wolstencroft to the west. Any future development application will need to consider visual impacts and demonstrate high-quality design that is sympathetic to its foreshore setting in accordance with *SEPP (Resilience and Hazards) 2021* and the Lake Macquarie Development Control Plan.

The potential visual impact of increased height and scale of future development has been considered against the significant tourism opportunities enabled by this planning proposal and the objectives of the LSPS to support the city's growing visitor economy.

Civic leadership

The planning proposal demonstrates Council's commitment and support for a growing visitor economy in line with the LSPS, Lake Macquarie Destination Management Plan 2022-2026 and relevant regional strategic plans.

Financial

There is minimal financial impact to Council as the proponent has paid the relevant fees associated with progressing the planning proposal in accordance with Council's fees and charges.

Infrastructure

Specific infrastructure requirements for future development, including road upgrades and payment of relevant development contributions will be addressed as part of any future development applications.

Compliance

The risks associated with preparing a planning proposal and requesting finalisation of the planning proposal are minimised by following the process outlined in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021* and Council's procedures.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

SEPP (Resilience and Hazards) 2021

Lake Macquarie Local Environmental Plan 2014

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Destination Management Plan 2022-2026

Attachments

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|----|---|----------------------|-----------|
| 1. | Planning proposal - Raffertys Resort - RZ/4/2022 - Wild Duck Drive Cams Wharf - Version 3 - Post-Exhibition | Under separate cover | D11550008 |
| 2. | Summary of submissions - Raffertys Resort Planning Proposal | | D11549992 |

Attachment 1 – Summary of Submissions – Raffertys Resort Planning Proposal

Council received 161 submissions and the themes from these are summarised below.

Theme	Number of submissions	Council response
<p>Adverse impacts on landscape and character</p> <p>Submissions value the tranquil, natural setting of the resort and are concerned about the scale of development altering the peaceful village character. Concerns this will reduce the destination appeal of the resort.</p>	97	<p>The additional height will impact the low-density character currently in Cams Wharf, by enabling taller buildings and attracting more visitors.</p> <p>The site is zoned SP3 Tourist and is within the tourism hub identified in the Lake Macquarie Local Strategic Planning Statement (LSPS). The LSPS includes principles aiming to encourage visitors to the city through investment that supports enhanced tourism products and engage with industry to increase flexibility for new tourism products.</p> <p>The SP3 Tourist zone objectives are to:</p> <ul style="list-style-type: none"> • provide for a variety of tourist-oriented development, • encourage sensitive design which complements its location, and • to preserve land for tourism by limiting development and uses that are not tourist related. <p>The planning proposal is responding to demand for higher end hotel accommodation in the city as identified in the Lake Macquarie Destination Management Plan 2022-2026. There are limited tourism zoned sites in the city available to facilitate this outcome. The site is well located for tourism, being adjacent to the Lake and close to outdoor and cultural attractions and close to the Pacific Highway. While being a visually sensitive area, the lakefront location is also a key drawcard for tourism attraction.</p> <p>The Lake Macquarie Development Control Plan 2014 (DCP) and other relevant planning policies have controls regarding the bulk, scale, materials, setbacks and finishes of any future development. Any future development will need to be designed in a way to addresses these controls and ensure it is appropriate for its setting.</p> <p>Outcome: no change</p>
<p>Visual impact on landscape and unique environment</p> <p>Visual impact is magnified when viewed from the foreshore due to the steep incline from foreshore to site area.</p>	63	<p>The planning proposal identifies that the proposed changes will result in the potential for a larger scale development that would have a moderate to high visual impact.</p> <p>A visual impact assessment (VIA) was prepared to accompany the planning proposal. 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. Views of the site are 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</p>

Theme	Number of submissions	Council response
		<p>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 within close proximity to the site however this impact will be generally limited to users of the lake and locations at Cams Wharf that are within 750m.</p> <p>The VIA recommends the following mitigation measures to be incorporated into the design of any future development application:</p> <ul style="list-style-type: none"> • Implementation of the landscaping plan to be prepared and submitted with the development application • Planting where practicable before site works and infrastructure • 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 • Use of recessive colours and non-reflective building material • Retention of existing vegetation where feasible, with replacement planting undertaken as soon as practicable • Consideration of minor articulation of the building form with use of balconies and shadows to reduce the apparent bulk. <p>Any future development application will be assessed in accordance with the SEPP (Resilience and Hazards) 2021 which includes controls for managing impacts to the coastal environment including overshadowing, views and foreshore access. Development will also be assessed against the DCP which prescribes controls for scenic values, visual impacts, views, solar access, building design, setbacks and a requirement for a masterplan.</p> <p>The visual impact of the proposal has been balanced against the significant tourism opportunity for the city which is supported by the sites SP3 zone and strategic objectives, and noting there are limited sites zoned tourism available in a prime lakefront location. While being a visually sensitive area, the lakefront location is also a key drawcard to attract a high-quality tourism development.</p> <p>Outcome: no change.</p>
<p>Noise Residents currently experience noise disturbance associated with water sports and</p>	<p>60</p>	<p>The planning proposal only applies to an increase in height. Tourism uses which may generate noise such as entertainment facilities, function centres and recreation facilities are permissible under the current LEP.</p>

Theme	Number of submissions	Council response
entertainment. The increase in density may further add to this.		<p>Development applications are required to consider noise generation. The DCP contains controls requiring noise generating developments to prepare an acoustic study. Measures must be implemented to ensure that any noise or vibration generated does not cause unreasonable impact to surrounding land uses, in accordance with the Noise Guide for Local Government.</p> <p>Outcome: no change.</p>
<p>Parking is insufficient</p> <p>Parking should not overflow onto community land.</p> <p>Parking is already a problem during peak periods.</p> <p>Roads are not designed for street parking.</p>	41	<p>The provision and location of parking and suitability of roads to access the site will be assessed as part of any future development application. The DCP contains controls which require parking to be contained within the development site.</p> <p>Outcome: no change.</p>
<p>Access roads not suitable</p> <p>Roads are narrow, poorly maintained, without lighting or stormwater.</p>	34	<p>The planning proposal has assessed that there are suitable access roads to the site and any required improvements can be assessed and addressed at the development application stage. Wild Duck Drive has a width of 6.8m, allowing for two-way movement. Lorikeet Loop is narrower (5.7m) but still allows for two vehicles to pass.</p> <p>The suitability of roads to access the site will be assessed as part of any future development application and appropriate mitigation measures identified.</p> <p>Outcome: no change.</p>
<p>Risk to wildlife</p> <p>Due to vehicle collisions, habitat loss, birds colliding with glass windows and light pollution.</p>	32	<p>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 resulting from existing development. Consequently, the proposal itself will not adversely affect critical habitat, threatened species populations, or endangered ecological communities. Council's mapping identifies that the southern portion of 1 Wild Duck Drive contains 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 any future development application in accordance with the DCP and identify any required mitigation or management measures.</p> <p>Outcome: no change.</p>

Theme	Number of submissions	Council response
<p>Traffic</p> <p>Impact on amenity and delays.</p>	30	<p>The impact on traffic and roads of larger scale development permitted resulting from the proposed amendment to planning controls for this site has been considered as part of the planning proposal. A Traffic Impact Assessment (TIA) has been prepared and Council officers have reviewed the study and consulted with Transport for NSW (TfNSW) on this matter.</p> <p>According to the TIA, the traffic movements generated by future development associated with the planning proposal will have a minor impact on the surrounding road network.</p> <p>The intersection of Cams Wharf Road and Raffertys Road can accommodate the additional traffic demands as can the local roads which will continue to operate within an acceptable service level.</p> <p>The traffic impact of future development will be assessed as part of any future development application and appropriate mitigation or management measures identified.</p> <p>Outcome: no change.</p>
<p>Pedestrian connectivity in and around the resort</p> <p>There are no footpaths within the resort. The community title road reserves are narrow and shared with pedestrians and vehicles.</p> <p>There are no footpaths between Nords Wharf, Cams Wharf and Murrays Beach.</p> <p>The increase in traffic will increase safety risks for pedestrians.</p>	29	<p>Raffertys Road and Cams Wharf Road do not have any pedestrian facilities. Internal roads within the resort operate as a shared zone, with speed humps reinforcing a 15km/h speed limit. Wild Duck Drive has a width of 6.8m, allowing for two-way movement. Lorikeet Loop is narrower (5.7m) but still provides for two vehicles to pass.</p> <p>A shared pathway connects Murrays Beach to Cams Wharf via Lake Forest Drive. An extension of the shared pathway route is identified in the Councils Walking, Cycling and Better Streets Strategy cycle routes planning map, along Rafferty's Road, Government Road, Awabakal Drive toward Catherine Hill Bay.</p> <p>Vehicle movements to the site will generally be limited to Wild Duck Drive, being the main access road.</p> <p>Any pedestrian impacts of future development will be assessed as part of any future development application and appropriate mitigation or management measures identified.</p> <p>Outcome: no change.</p>
<p>Traffic safety through Nords Wharf</p>	29	<p>All inbound traffic is anticipated to use the intersection of the Pacific Highway and Cams Wharf Road to then access the site turning right into Raffertys Road.</p>

Theme	Number of submissions	Council response
<p>Concerns about existing road safety issues in Nords Wharf and the impact of additional traffic, including poor visibility, high speeds and road widths.</p>		<p>Exiting traffic with a destination north shall use Cams Wharf Road and turn left at the Pacific Highway.</p> <p>Exiting traffic with a destination south shall follow the road signs to turn right out of Raffertys Road onto Cams Wharf Road to then use either Nords Wharf Road or Awabakal Drive to connect with the Pacific Highway.</p> <p>Based on the TIA prepared to accompany the planning proposal, traffic flows on these roads are within their capacity and operate within an acceptable service level. The TIA expects that this level would be maintained following development on the site.</p> <p>Development applications lodged on the site will be required to prepare a detailed TIA based on the specific development design proposed at that time and conditions can be applied to a development consent to prescribe upgrade and augmentation of road infrastructure.</p> <p>Outcome: no change.</p>
<p>Inconsistent with planning for the North Wallarah Peninsula</p> <p>Development of Murrays Beach and Cams Wharf is subject to Area Plans and covenants that require sensitive environmental design and low-density character.</p>	29	<p>The North Wallarah Peninsula Area Plan applies to a large area of R1 General Residential, C2 Environmental Conservation and C1 National Park zoned land including Murrays Beach and Pinny Beach. This includes development of 2000 lots, as well as the creation of 250 hectares of land to be preserved for conservation including the 180ha Wallarah National Park. The residential areas are low density and the objectives of the Area Plan for this area is to achieve sensitive design to compliment the unique environmental qualities.</p> <p>The boundary of the North Wallarah Peninsula Area Plan does not include the SP3 Tourism zoned land at Cams Wharf, including the subject site. The long-term intention of the SP3 Tourism zoned land is to primarily retain a tourism function. Although the planning proposal will result in an outcome that is different to the broader R1 General Residential zoned land, the intention of the planning proposal is to enable a high quality, substantial tourism outcome consistent with the zone objectives and strategic planning objectives for the area.</p> <p>Any covenants on the subject land will apply irrespective of the planning proposal.</p> <p>Outcome: no change.</p>
<p>Impact on surrounding Environmentally Sensitive Land such as Wallarah National Park</p>	29	<p>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</p>

Theme	Number of submissions	Council response
		<p>resulting from existing development. The site is 600m from the nearest area of land reserved for National Park.</p> <p>If a development application is likely to have an impact on native vegetation or fauna habitat, or where five or more native trees are proposed to be removed, a flora and fauna assessment must be submitted with any future development application and any appropriate mitigation or management measures identified.</p> <p>Outcome: no change.</p>
<p>The application sets a precedent for future developments of this nature</p>	28	<p>All proposed LEP amendments are assessed on their individual merits against the legislation and strategic direction for a particular site. LEP amendments must demonstrate strategic and site-specific merit and go through consultation with the public relevant government agencies. This site is one of only a few tourism zoned sites around the lake and a tourism outcome is consistent with the zone objectives and strategic planning objectives for the area.</p> <p>Outcome: No change.</p>
<p>Block views for current owners and guests</p>	27	<p>Development of the site does have potential to impact views from surrounding development and across the lake.</p> <p>The 36.5m height is proposed on a 0.2 hectare portion of the site. The site sits at a low point within the landscape at 5m above lake water level which rises up to 15 to 20m in the surrounding resort and 30m to 50m in Murrays Beach. The nearest existing residential/tourist unit is approximately 50m from the development area.</p> <p>An urban design analysis was submitted with the planning proposal which demonstrates that view corridors through the site can be maintained with future development. The DCP includes controls requiring development to provide for reasonable sharing of private and public domain views.</p> <p>Outcome: no change.</p>
<p>Infrastructure</p> <p>Concern was raised that existing infrastructure cannot support the increased development including road upgrades, school upgrades, sewer, shared pathways, NBN, medical</p>	24	<p>The Lake Macquarie City Council Section 7.12 Contributions Plan – Citywide 2019 (s7.12 plan) and the Lake Macquarie City Council Development Contributions Plan – Belmont Contributions Catchment (s7.11 plan) apply to this site. Contributions will be collected for local infrastructure works identified in these contributions plans. Infrastructure required resulting from future development that is not identified in the contributions plans will be considered as part of any future development application and appropriate mitigation or management measures identified.</p>

Theme	Number of submissions	Council response
<p>services, retail, other tourism attractions and social infrastructure.</p> <p>The cost of infrastructure and who pays for this was also raised.</p>		<p>Consultation has been undertaken by the proponent and Council with essential service providers (power, water, sewer, telecommunications) who have advised the locality has the necessary infrastructure to accommodate this scale of development. Future development applications will need to show that essential services have capacity to service that development.</p> <p>The increase in height facilitated by the LEP amendment results in approximately a 13.6 per cent increase to the permanent resident population permitted under current controls. This is considered a relatively minor increase in permanent residents at the site and would not have a significant impact on availability or capacity of services and facilities in the local area.</p> <p>Outcome: no change.</p>
<p>Crime and antisocial behaviour associated with higher visitation, alcohol and gambling</p>	22	<p>The planning proposal relates to building height on land already zoned for an integrated tourist development. The planning proposal does not alter permissible uses, other than removing the ability to provide a residential development on part of the site.</p> <p>Developments must ensure that Crime Prevention Through Environmental Design (CPTED) principles have informed the design of proposed development as part of a future development application.</p> <p>Outcome: no change.</p>
<p>Safety issues with the Cams Wharf Road/ Pacific Highway intersection</p> <p>This intersection has existing safety issues, including a history of accidents.</p>	20	<p>The Traffic Impact Assessment results show that the intersection of the Pacific Highway and Cams Wharf Road currently operates with delays for right turns out of Cams Wharf Road. TfNSW identified existing safety issues associated with the Pacific Highway/ Cams Wharf Road intersection.</p> <p>The key safety concerns at this intersection are right turns out of the side roads (Cams Wharf Road and Flowers Drive) with motorists sometimes taking smaller gaps in traffic due to the volume of through traffic. Right turns from Cams Wharf Road are managed through directional signage at Raffertys Road promoting southbound traffic to join the Pacific Highway via Nords Wharf. Nords Wharf Road provides a seagull intersection to enable a safer staged right turn whilst Awabakal Drive is signalised, enabling all turn movements to be undertaken in a controlled environment.</p> <p>TfNSW are not supportive of any increased traffic movement turning right at the Pacific Highway and Cams Wharf Road intersection due to the existing safety issues. On this basis, TfNSW initially submitted an objection to the planning proposal on this basis. TfNSW have identified potential upgrades to improve the safety of the intersection</p>

Theme	Number of submissions	Council response
		<p>including banning the right turn. Noting motorists will use the most direct route unless the right turn is banned, it is suggested that use of Nords Wharf Road and Awabakal Drive could potentially be supported as a solution, if Cams Wharf Road intersection with Pacific Highway became a restricted intersection and appropriate signage was installed to guide motorists to the other intersections.</p> <p>The proponent has continued to work with TfNSW on potential design solutions to improve the safety of the intersection. The proponent has prepared a strategic design to ban the right turn out of the intersection which could be implemented as part of a future development application. Alternative routes are available for vehicles travelling southbound, including via Nords Wharf Road and the signalised Awabakal Drive intersection.</p> <p>The proponent has prepared a letter of intent to enter into a planning agreement with the State Government. The letter of intent states that if a development consent is granted on the site, the proponent will upgrade the intersection as per the strategic design or provide a monetary contribution to the State Government for a future upgrade of the intersection. As a result, TfNSW have issued a recent letter withdrawing their objection to the planning proposal and now support the planning proposal proceeding to finalisation.</p> <p>Further detailed assessment will occur in conjunction with any future development application based on the specific development design proposed at that time.</p> <p>Outcome: no change.</p>
<p>Impact on peaceful, family-friendly character of the resort</p>	<p>20</p>	<p>The proposed building increased height will impact the current low-density character of the resort.</p> <p>The site is zoned SP3 Tourism and the planning proposal is aiming to respond to demand for more accommodation across the city, including four and five star, contemporary accommodation and corporate hotels.</p> <p>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 five-star accommodation which is achieved by this proposal.</p> <p>Outcome: no change.</p>

Theme	Number of submissions	Council response
<p>Demolition and construction impacts</p> <p>Entry for large machinery and deliveries, noise, dust, loss of income, compensation, parking, disruption of resorts operation.</p> <p>Lengthy construction period.</p> <p>Security, crime, noise, litter.</p> <p>Owners should be notified of construction timeframes.</p>	19	<p>A construction management plan can be applied to development consents to mitigate impacts of construction.</p> <p>Damage caused by construction vehicles for a future development will be the responsibility of the developer to remediate. Construction impacts of a future development are beyond the scope of the planning proposal but will be addressed during the assessment of future development applications.</p> <p>Outcome: no change.</p>
<p>Inadequate community engagement from proponent with the community association/ owners</p>	17	<p>Council has followed all community consultation requirements for the planning proposal including exhibiting the planning proposal in accordance with Council's Community Engagement Strategy and the <i>Environmental Planning Assessment Act 1979</i>.</p> <p>Outcome: no change.</p>
<p>Site is not well serviced by public transport</p> <p>Concerns about car dependency and safety issues if visitors consume alcohol.</p>	17	<p>The planning proposal relates to increasing the building height on land already zoned for an integrated tourist development.</p> <p>The site is approximately 1km from the nearest bus stop at Cams Wharf Road which connects the site to the broader region and local services. However, there is no pedestrian infrastructure connecting to the bus stop.</p> <p>Additional stops or transport options will be considered as part of future development applications including private shuttle services for events. Being part of an integrated tourism facility provides an opportunity for visitors to stay in accommodation provided onsite, avoiding the need to drive immediately after an event.</p> <p>Outcome: no change.</p>
<p>Objections/issues with development application for tavern and gaming machines</p>	16	<p>A development application (DA/1658/2022) for demolition and redevelopment of the tavern and function centre was lodged in July 2022. The development application is subject to a separate assessment process in accordance with the current <i>LMLEP 2014</i> and <i>LMDCP 2014</i>.</p> <p>The changes proposed under the planning proposal are not required for the assessment of DA/1658/2022.</p>

Theme	Number of submissions	Council response
		Outcome: no change.
<p>Impacts/management of community title scheme</p> <p>Inconsistent with community title by laws.</p> <p>Population increase will increase burden of Community Association to manage costs and enforcement of by-laws.</p>	16	<p>The Community Land Management Act provides for the management of community title schemes. The subject land is located within the Community Title Scheme and is privately owned by Iris Capital. Any conditions applying to the land in relation to the Community Title Scheme are subject to the Community Land Management Act. Community title considerations are beyond the legislative scope of the planning proposal which has followed the relevant process as set out in the <i>EP&A Act 1979</i>.</p> <p>Outcome: no change.</p>
<p>Emergency evacuation</p> <p>Submissions concerned about emergency evacuation in case of a bushfire, given there is only one access road.</p>	16	<p><u>Bushfire:</u></p> <p>The site itself is not bushfire prone, however the local road network is included in a bushfire prone area. The planning proposal was referred to the NSW Rural Fire Service (RFS) who raised no concerns regarding the planning proposal. The RFS noted future development on the site will need to comply with <i>Planning for Bush Fire Protection 2019</i> (PBP 2019). 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>A Strategic Bush Fire Study was prepared for the planning proposal which considered the site can comply with PBP 2019.</p> <p><u>Flooding:</u></p> <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 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>Flood free areas on the site are accessible and available which can be used as a local refuge or evacuation centre. 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 future development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood.</p> <p>Outcome: no change.</p>

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Environmental pollution Rubbish, sustainable design, light pollution.	16	The DCP includes controls to manage environmental pollution. These matters will be addressed as part of any future development application. Outcome: no change.
Loss of rental and visitor income due to construction and amenity impacts	14	Construction management plans can manage impacts associated with construction, including limits to operating times and parking management. Construction management impacts will be addressed as part of any future development application. The proposal will enable development which will provide more choice and capacity of tourism accommodation. Outcome: no change.
Over shadowing and solar access	14	Overshadowing and solar impacts have been considered as part of the planning proposal including an assessment of shadowing and solar access diagrams. The plans demonstrate that there is minimal overshadowing of the adjoining land. The DCP includes provisions that development must provide for reasonable access to sunlight and a reasonable level of privacy. The impacts will vary between developments and will be assessed as part of any development application. Design controls such as varying setbacks, reducing bulk and scale, providing privacy screens and landscaping can be used to minimise impacts on privacy and overshadowing. Outcome: no change.
Correlation between five-star rating and proposed height Star rating for resorts is not determined by number of rooms, they are determined by the facilities available including fewer rooms and exclusivity.	13	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, to achieve a feasible development and quality standard for a five-star or equivalent rating and attract a global manager, a minimum number of rooms and gross floor area is required. Accordingly, to facilitate this level of hotel amenity on the site, the proposed height is required. Outcome: no change.
Height should be reduced to surrounding tree tops to sit passively in the landscape Suggestions for 15m to 20m in height.	12	According to the proponent, the 36.5m maximum building height will enable an eight-storey development which is of sufficient scale to feasibly build and operate a five-star hotel capable of reaching an international market. The visual impact assessment undertaken as part of the planning proposal considered a range of factors in reaching

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		<p>its conclusion including distance to the site, type of uses within view of the site and surrounding topography and ridgelines.</p> <p>Outcome: no change.</p>
<p>Damage/increased usage and maintenance to community title roads and other community title assets</p>	10	<p>The determining authority for a development application can include conditions in a development consent. This can include requirements for a dilapidation report and to repair any damaged property, buildings or infrastructure caused by construction.</p> <p>Damage caused by construction vehicles for a future development will be the responsibility of the developer. This is beyond the scope of the planning proposal but will be a consideration of future development applications.</p> <p>The <i>Community Land Management Act</i> governs the management of community title assets, including contributions for the maintenance of shared assets.</p> <p>Outcome: No change.</p>
<p>There is no suitable anchorage in respect of draught/deep water moorings for a marina</p>	9	<p>The planning proposal only relates to building height. It does not alter permissible uses, other than removing permissibility of residential development on part of the site.</p> <p>Outcome: no change.</p>
<p>Foreshore access</p> <p>Protection of walking and recreational access along the foreshore.</p>	9	<p>The foreshore area adjacent the site is collectively owned and managed by the Community Title scheme.</p> <p>The planning proposal will not affect access to the foreshore. Development designs will need to consider safe access to and along the foreshore.</p> <p>Outcome: no change.</p>
<p>Notification of the planning proposal</p> <p>Not advised of rezoning when it was lodged. There was not enough time to review reports. Notification should include local businesses and lake users.</p>	8	<p>The planning proposal was notified in accordance with Council's Community Engagement Strategy and the <i>Environmental Planning Assessment Act 1979</i>. The planning proposal was exhibited for 30 working days. An extension of 10 working days was also provided. Notification letters were sent to 1721 property owners and residents of Cams Wharf, Murrays Beach, Nords Wharf and Gwandalan. The planning proposal was also advertised on the Shape Lake Mac website and e-newsletter, and the Newcastle Herald.</p> <p>Outcome: no change.</p>

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<p>Traffic surveys were not taken during the seasonal peak and counts were only undertaken for one afternoon period</p>	8	<p>Traffic surveys were initially undertaken at the intersection of the Pacific Highway and Cams Wharf Road on Friday 7 May 2021.</p> <p>Following feedback from TfNSW regarding the traffic surveys being undertaken outside the seasonal peak, additional surveys were undertaken in November 2023 which covered the Friday afternoon peak, midday on a Saturday and mid-afternoon on a Saturday.</p> <p>The Friday peak covers the typical Friday afternoon/evening travel peak period for this type of development, whilst the two separate counts on the Saturday covered times when there were functions start/finish times in the existing Raffertys Resort. The weather was warm and sunny and these traffic demands would represent typical peak season traffic demands in this location.</p> <p>The updated survey results did not alter the overall conclusions of the initial assessment. The conclusion of the traffic assessments were that there is no material difference between a development scenario under the existing LEP compared to the proposed LEP. Under both scenarios, the right turn into Cams Wharf Road will continue to operate within an acceptable service level and length of the queue remains within the capacity of the existing sheltered right turn lane.</p> <p>The right turn out of Flowers Drive currently operates with delays. The intersection is identified for upgrade by TfNSW due to the existing safety and level of service associated with right turns from Cams Wharf Road, through traffic and left turns from Flowers Drive.</p> <p>Any development application on the site will require a traffic impact assessment based on the specific development proposed at that time. Conditions can be applied to the consent for necessary road upgrades or other management measures.</p> <p>Outcome: no change.</p>
<p>Inconsistent with SP3 zoning objectives for tourism development “that is sensitively designed to enhance and complement its location and that avoids unacceptable and adverse impacts on the environment”</p>	8	<p>The zone objectives provide guidance for development applications. The design of future development of the site will be assessed against the zone objectives and any development application will need to consider measures to reduce impacts on the surrounding environment and to avoid unacceptable impacts.</p> <p>The planning proposal aims to increase the permissible height to enable opportunities for higher scale development. This is based on strategic and site-specific merit</p>

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		<p>associated with the shortage of hotel accommodation in the city and well-located tourism sites.</p> <p>Outcome: no change.</p>
Adverse social impacts associated with gambling and alcohol	7	<p>The planning proposal only applies to an increase in building height. Tourism uses such as entertainment facilities, function centres and recreation facilities, are currently permissible.</p> <p>These types of matters will be considered as part of the assessment of future development applications.</p> <p>Outcome: no change.</p>
De-value property prices Due to loss of views and amenity.	6	<p>The site is zoned SP3 Tourist and is within the tourism hub identified in the Lake Macquarie Local Strategic Planning Statement (LSPS). The LSPS includes principles aiming to encourage visitors to the city through investment that supports enhanced tourism products and engage with industry to increase flexibility for new tourism products.</p> <p>There are many factors that influence property values. There is no evidence to demonstrate that changes in planning controls on adjacent site will have an impact on property values.</p> <p>This proposal has followed the relevant planning process as set out in the <i>EP&A Act 1979</i>. Property values are not considerations for planning proposals.</p> <p>Outcome: no change.</p>
Heritage Historic and archaeological qualities need to be protected.	6	<p>The LEP and DCP include provisions to protect heritage items. These provisions will be assessed as part of any future development application.</p> <p>Outcome: no change.</p>
Mine subsidence As mining continues to occur under the resort.	5	<p>Consultation occurred with Subsidence Advisory NSW. 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 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>Outcome: no change.</p>

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<p>Inconsistent with the Community Strategic Plan and Local Strategic Planning Statement</p> <p>Value unique landscape where the natural environment is protected and enhanced and urban centres are the focus of growth. The site is not identified as an urban intensification area.</p>	5	<p>The LSPS identifies that the tourism sector will continue to be a major job generator for the Lake Macquarie Local Government Area. 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'. The LSPS aims to be responsive to the changing needs of industry and business to enable opportunities for investment.</p> <p>Outcome: no change.</p>
<p>Stormwater</p>	4	<p>The DCP contains provisions regarding stormwater and water quality. These provisions will be assessed as part of any future development application.</p> <p>Outcome: no change.</p>
<p>Wind tunnels between buildings</p>	4	<p>Development must consider wind funnelling in accordance with the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>Outcome: no change.</p>
<p>Trees and landscaping</p> <p>Removal of large native trees. The proposal does not address any replanting of mature trees.</p>	4	<p>Landscaping is an important feature in development of this site given its lake front setting and the scale of development. The planning proposal is for an increase in building height and does not assess a specific development design. Tourism development is currently permitted on this site. This matter will be a consideration of future development applications.</p> <p>Outcome: no change.</p>
<p>Strain local water supply</p>	3	<p>Consultation was undertaken with Hunter Water. The advice from Hunter Water indicates that the proposed development is serviceable by Hunter Water with local augmentation of Hunter Waters existing network. A sewer and water servicing strategy will be prepared to support a development application.</p> <p>Outcome: no change.</p>
<p>Support</p> <p>Beneficial to the area, jobs, leverages proximity to Sydney and Newcastle.</p>	2	<p>Noted.</p> <p>Outcome: no change.</p>
<p>Impact on accessibility and inclusivity of resort</p>	2	<p>The planning proposal is to increase building height which is likely to attract additional visitors to the resort.</p>

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No pathways for wheelchair users.		<p>Any development will need to demonstrate compliance with relevant accessibility standards within the proposed development.</p> <p>Outcome: no change.</p>
Over-looking and privacy	2	<p>The DCP includes provisions that development must provide for reasonable access to sunlight and a reasonable level of privacy. The impacts will vary between developments and will be assessed as part of any future development application. Design controls such as varying setbacks, reducing bulk and scale providing privacy screens and landscaping can be used to minimise impacts on privacy and overshadowing.</p> <p>Outcome: no change.</p>
Risk that actual development application ends up being of much higher scale/ different development type than the initial concept drawings	2	<p>The planning proposal aims to facilitate a predominantly tourism outcome, consistent with uses permissible in the SP3 zone. The current additional permitted use allowing residential accommodation on the site is being removed for that reason.</p> <p>Although it is expected the most viable use of the site is a hotel, the planning proposal has not assessed a specific development outcome.</p> <p>Any development application would need to be assessed against the LEP and DCP and other relevant legislation.</p> <p>Outcome: no change.</p>
Not enough economic benefits	2	<p>The planning proposal will support Lake Macquarie's tourism industry by facilitating additional accommodation supply.</p> <p>Construction phase – The Socioeconomic Impact Assessment (SEIA) 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"> • Operation of temporary function centre: 10 FTE • Operation of function centre: 20 FTE • Operation of hotel: 21 FTE <p>Outcome: no change.</p>

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Flooding	2	<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 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. Flooding will be considered as part of the assessment of any future development application.</p> <p>Outcome: no change.</p>
Request for design excellence criteria	1	<p>A design excellence clause was considered as part of Council's assessment for this planning proposal. The preference is to amend the building height map. The development assessment process requires design considerations regarding visual impact and integration with the foreshore setting.</p> <p>Given its sensitive coastal location, any development will need to address the requirements of the Hazards and Resilience SEPP. The provisions of the Hazards and Resilience SEPP are sufficient to manage the impacts associated with the proposed development, i.e. visual amenity, foreshore access and overshadowing.</p> <p>A site-specific design excellence clause is inconsistent with Ministerial Direction 1.4 Site Specific Provisions. The direction requires the planning proposal must 'allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.' Amending the height of building map makes the development provisions clearer and more transparent.</p> <p>Outcome: no change.</p>
Roads unable to accommodate garbage trucks and delivery trucks	1	<p>Development applications will be required to demonstrate the site is able to be serviced by garbage and delivery trucks.</p> <p>Outcome: no change.</p>
Unlikely to attract international tourists due to lack of tourism infrastructure such as connections to airports, golf courses, boating facilities and shopping. Public transport	1	<p>The LSPS identifies that the tourism sector will continue to be a major job generator for the Lake Macquarie Local Government Area. 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</p>

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		<p>hub'. The LSPS aims to be responsive to the changing needs of industry and business to enable opportunities for investment.</p> <p>Outcome: no change.</p>
<p>Coastal Design Guidelines</p> <p>Inconsistent with respect to Outcome B.2 "Respond to and protect elements which make the place special".</p>	1	<p>The planning proposal will enable development likely to have an 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 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.</p> <p>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>Outcome: no change.</p>
<p>Effects of licensed premises to current resort residences</p>	1	<p>The planning proposal only relates to building height. The planning proposal does not address liquor licensing and does not propose to alter permissibility or issue approvals in relation to liquor licensing. Any impacts related to licensed premises will be assessed as part of any future development application.</p> <p>Outcome: no change.</p>
<p>Geotechnical considerations</p>	1	<p>The site is within geotechnical zone 4 and 6. The DCP requires a geotechnical report be prepared for development in zones 4 and 6 where the development exceeds 3 storeys. Geotechnical considerations will be assessed as part of any future development application.</p> <p>Outcome: no change.</p>
<p>Site coverage</p> <p>The site could be developed to fully cover both lots.</p>	1	<p>The DCP contains provisions relating to site coverage and setbacks. Site coverage will be assessed as part of any future development application.</p> <p>Outcome: no change.</p>

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<p>Lack of strategic merit</p> <p>The height, density, location and character of tourism and residential growth around Lake Macquarie should be driven by a strategic approach, it should not be done as spot rezoning.</p>	1	<p>This proposal has followed the relevant planning process as set out in the <i>EP&A Act 1979</i>. The LSPS identifies that the tourism sector will continue to be a major job generator for the Lake Macquarie Local Government Area. 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'. The LSPS aims to be responsive to the changing needs of industry and business to enable opportunities for investment.</p> <p>Outcome: no change.</p>
<p>The foreshore is affected by acid sulfate soils</p>	1	<p>The Lake Macquarie LEP and DCP contain controls to manage risks associated with acid sulfate soils. These risks will be assessed as part of any future development application.</p> <p>Outcome: no change.</p>