

Planning Proposal

Rezoning to R3 Medium Density Residential and C3 Environmental Management

Ocean Drive, Lake Cathie

Lot 15 DP 557262, Lot 1 Section Q DP 32283, Lot 2 Section Q DP 32283, Lot 3 Section Q DP 32283, Lot 4 Section Q DP 32283, Lot 5 Section Q DP 32283, Lot 6 Section Q DP 32283, Lot 7 Section Q DP 32283, Lot 8 Section Q DP 32283, Lot 9 Section Q DP 32283, Lot 40 DP 238263, Lot 41 DP 238263, Lot 42 DP 238263, Lot 43 DP 238263, Lot 44 DP 238263, Lot 45 DP 238263, Lot 46 DP 238263, Lot 47 DP 238263, Lot 48 DP 238263, Lot 49 DP 238263, Lot 1 DP 127488, Lot 1 DP 554197

Version 7 – May 2026 – Finalisation Version



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DECLARATION

I certify that this planning proposal has been prepared with the necessary care and skill. The planning proposal and attachments have been prepared based on information provided by third parties. Hopkins Consultants claims no responsibility for any third-party document or any matters outside the scope of this report. This report has been prepared exclusively for the client in accordance with the contractual agreement and no liability is accepted for reliance on this report by any third party.

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Date: 12 March 2026

Glossary and Abbreviations

| | |
|----------------|--|
| Council | Port Macquarie-Hastings Council |
| DA | Development Application |
| DCP 2013 | Port Macquarie-Hastings Development Control Plan 2013 |
| DPHI | NSW Department of Planning, Housing and Infrastructure |
| LCCP | Lake Cathie Community Plan |
| LEP 2011 | Port Macquarie-Hastings Local Environmental Plan 2011 |
| LSPS | Port Macquarie-Hastings Local Strategic Planning Statement |
| NCRP | North Coast Regional Plan 2041 |
| PBP 2019 | Planning for Bushfire Protection 2019 |
| RFS | NSW Rural Fire Service |
| TfNSW | Transport for NSW |
| The Act | Environmental Planning and Assessment Act 1979 |
| The Regulation | Environmental Planning and Assessment Regulation 2021 |
| UGMS | Port Macquarie-Hastings Urban Growth Management Strategy |

EXECUTIVE SUMMARY

This Planning Proposal has been drafted in accordance with Section 3.33 of The Act and “Local Environmental Plan Making Guideline” prepared by the Department dated August 2023.

Purpose of this Report

This Planning Proposal has been prepared by Hopkins Consultants Pty Ltd on behalf of the property owner in support of a planning proposal to rezone land on Ocean Drive, Lake Cathie from R1 General Residential to R3 Medium Density and C3 Environmental Management. It is also proposed that a small percentage (5%) of C2 Environmental Conservation land containing an existing fire trail and stormwater infrastructure will be rezoned to C3 Environmental Management. Associated changes are proposed to impose a minimum lot size of 1,000m², increase building height from 8.5m to 14.5m, and increase floor space ratio (FSR) from 0.65:1 to 1.5:1. A concept plan indicates the capacity of the site to support a medium density residential development.

This report should be read in conjunction with the supporting technical reports which are appended to this report.

The Site

The site is located on Ocean Drive, Lake Cathie, and is to be known as The Sanctuary. The site is bound by Ocean Drive to the south-east, Fiona Crescent to the south-west and Lake Cathie Village Centre to the north-east (**Figure 1**). The site is effectively an island separated from the surrounding low density residential and directly adjoining only Lake Cathie Village Centre. The site has an area of approximately 30,250m² and is currently zoned C2 and R1 as shown in **Figure 3**. The site has a frontage to Ocean Drive of 200m, a 4.3m corner splay and a frontage to Fiona Crescent of 76.3m. The site is vacant land with 22 existing land titles:

- Lot 15 DP 557262
- Lot 1 Section Q DP 32283
- Lot 2 Section Q DP 32283
- Lot 3 Section Q DP 32283
- Lot 4 Section Q DP 32283
- Lot 5 Section Q DP 32283
- Lot 6 Section Q DP 32283
- Lot 7 Section Q DP 32283
- Lot 8 Section Q DP 32283
- Lot 9 Section Q DP 32283
- Lot 1 DP 127448
- Lot 1 DP 554197
- Lot 40 DP 238263
- Lot 41 DP 238263
- Lot 42 DP 238263
- Lot 43 DP 238263
- Lot 44 DP 238263
- Lot 45 DP 238263
- Lot 46 DP 238263
- Lot 47 DP 238263
- Lot 48 DP 238263
- Lot 49 DP 238263

On the eastern edge of the C2 zone there is a 6m wide fire trail and stormwater infrastructure, separated from the R1 zone by a mesh koala fence.

The site was previously owned by the NSW Department of Education and is also known as the former Lake Cathie school site.

The Proposal

The planning proposal is to rezone:

- approximately 95% of the R1 to R3 Medium Density and the balance to C3, and
- a 5m wide buffer will be rezoned from R1 General Residential to C3 Environmental Management

The proposed adjoining C3 portions will form an 5m wide buffer between the proposed R3 and existing C2. Also proposed are associated changes to impose a minimum lot size of 1,000m², increase building height from 8.5m to 14.5m, and increase FSR from 0.65:1 to 1.5:1.

The planning proposal is supported by a medium density residential concept design, bushfire report, flooding report, stormwater strategy, ecology and geotechnical reports.

The planning proposal provides desired residential land for medium density residential accommodation on a cleared infill site, without impacting the amenity or character of the surrounding single dwellings. Medium density residential is lacking in supply and the subject development is essential to achieve the 40% medium density target in Council's Housing Strategy.

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INTRODUCTION

This Planning Proposal has been drafted in accordance with Section 3.33 of The Act and “Local Environmental Plan Making Guideline” prepared by the Department dated August 2023.

Site Description

The subject site (the site) is located on Ocean Drive, Lake Cathie. The site is vacant land with 22 existing land titles:

- Lot 15 DP 557262
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There are twenty one R1 zoned lots existing on the site and one lot with split R1/C2 zoning. There is an approved three lot subdivision of the site and the development footprint has been cleared. There is a black mesh koala fence between the cleared R1 zoned part of the site and the C2 zone. West of the koala fence is a 6m wide firetrail and stormwater infrastructure which are part of the C2 zone.

The site is to be known as The Sanctuary. The site was previously owned by the NSW Department of Education and is also known as the former Lake Cathie school site.

The site has an area of approximately 30,250m² and is rectangular in shape. The site has a 200m frontage to Ocean Drive to the southeast, a 4.3m splay, and approximately 76m frontage to Fiona Crescent to the southwest. Beyond the rear boundary of the site are Mullaway Road public reserve and the rear of dwellings facing Mullaway Road. The northern boundary of the site adjoins Lake Cathie Shopping Village, which includes Woolworths, Lake Cathie Tavern and specialty stores.

The site has footpath on the Ocean Drive and Fiona Crescent frontages. There is kerb and gutter on the Fiona Crescent frontage and the corner. There is no kerb and gutter on the Ocean Drive frontage.

The site is approximately 17km south of Port Macquarie and 15km north of Laurieton.

An aerial photograph of the site is shown in **Figure 1** and site context in **Figure 2**. Photos of the site are also provided.



Figure 1: Site Plan
Source: NearMap



Figure 2: Area Context
Source: NearMap



Photo 1: Cleared ground on site in R1 zone



Photo 2: Cleared R1 zone part of the site facing north to Woolworths



Photo 3: Existing approved koala fence taken from R1 zone facing R2 zone



Photo 4: Existing approved stormwater infrastructure in C2 zone (see Figure 4)



Photo 5: Existing approved fire trail in C2 zone (see Figure 4)

Zoning

The site is currently zoned R1 General Residential and C2 Environmental Conservation as shown in **Figure 3**. The R1 zoned land is cleared grassland with some clumps of trees. The C2 zone is separated from the R1 zone by a koala fence and contains a fire trail, stormwater infrastructure and dense native vegetation.



Figure 3: Land Zoning Map
Source: PMHC LEP 2011

Proposal

The planning proposal is to rezone:

- approximately 95% of the R1 zone to R3 Medium Density and the balance to C3, and
- a 5m wide buffer will be rezoned from R1 General Residential to C3 Environmental Management

The proposed adjoining C3 portions will form an 5m wide buffer between the proposed R3 and existing C2 land and will also contain the koala fence. Also proposed are associated changes to impose a minimum lot size of 1,000m², increase building height from 8.5m to 14.5m, and increase FSR from 0.65:1 to 1.5:1.

Project History

Council Correspondence

The project has seen comprehensive consultation undertaken with Council and local stakeholders on the proposal.

In March 2022 Council's Group Manager Development Services, Dan Croft, advised that *"achieving desired densities in these newly planned areas [within Lake Cathie and Bonny Hills] has been challenging (and generally under the optimum)"*. Merit in medium density development in proximity to existing centres and supporting infrastructure was recognised.

In March 2022 correspondence with Council's former Land Use Planning Manager (Carina Gregory) provided a list of key issues to focus on. Those areas were:

- *Proposed land use zone changes (if any)*
- *Proposed building heights*
- *Proposed floor space ratios (FSR)*
- *Proposed lot sizes*
- *Proposed housing types/mix/unit sizes*
- *Ownership of C2 Environmental Conservation land.*
- *Any public benefits in connection with rezoning.*

These key issues have been responded to within this report in detail.

The proposed R3 zoning will provide opportunity to reduce the number of driveway accesses to Ocean Drive, the existing lot layout would require eleven driveways to Ocean Drive. The possibility of rear road or laneway access from Fiona Crescent is to be considered in any future DAs.

The draft Local Housing Strategy 2021 (now superseded) was also iterated upon, noting that the draft highlighted priority for infill development with services and infrastructure present, as well as a greater housing mix and density. It was noted that if rezoning were proposed, Council would give consideration to potential LEP and DCP controls which would enable a greater mix of housing whilst balancing local character considerations.

Development Application History

- DA 2017/715.1 was approved on 14 December 2021 for *"3 Lot Subdivision"*.
- DA 2017/715.2 was approved on 25 August 2022 for *"3-Lot Subdivision – Modification"*.
- DA 2017/715.3 was approved on 25 November 2022 *"To modify stormwater drainage of approved 3 lot subdivision"*. The approved works are complete.

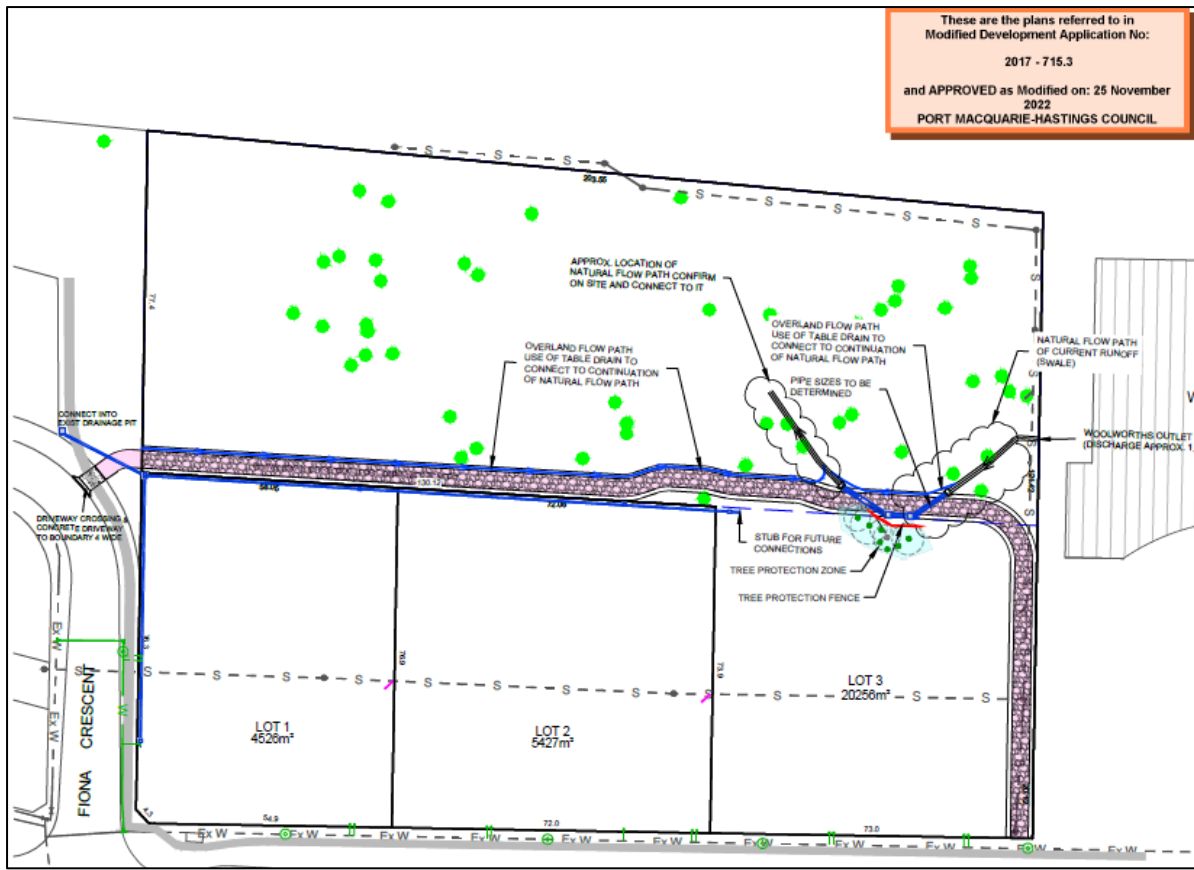


Figure 4: DA2017/715.3 Stamped Approved Plan

Nearby Commercial Centres

There are no significant developments approved or proposed on immediately adjoining sites.

The Seaside Estate 1.7km to the south is currently under development and features R3 zoned land. The R3 zone complements the future MU1 zoned commercial development. This commercial centre has not yet been constructed although various development applications have been approved. Refer **Figure 4**.

Rainbow Beach Shopping Centre also contains R3 zoned land to support the MU1 and E1 zoned commercial centre. Here the R3 zone has a 14.5m height limit and a 1.5:1 FSR, in accordance with the proposed development standards to accompany the rezoning of the subject site. This commercial centre has not yet been constructed although various developments have been approved. Refer **Figure 5**.

In consideration of surrounding development, the existing Lake Cathie E1 zone should be supported by surrounding R3 medium density development.

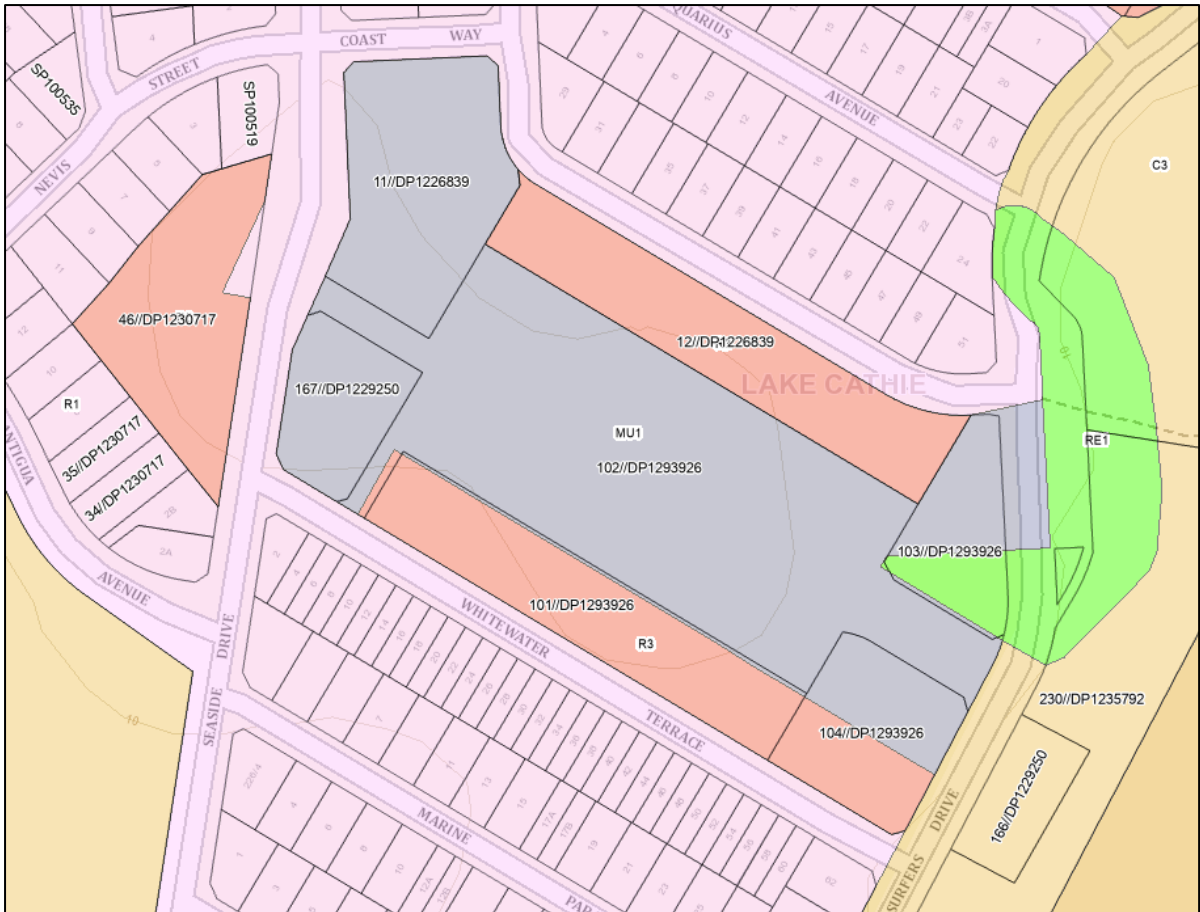


Figure 5: Seaside Estate commercial centre and surrounding R3 zoned land

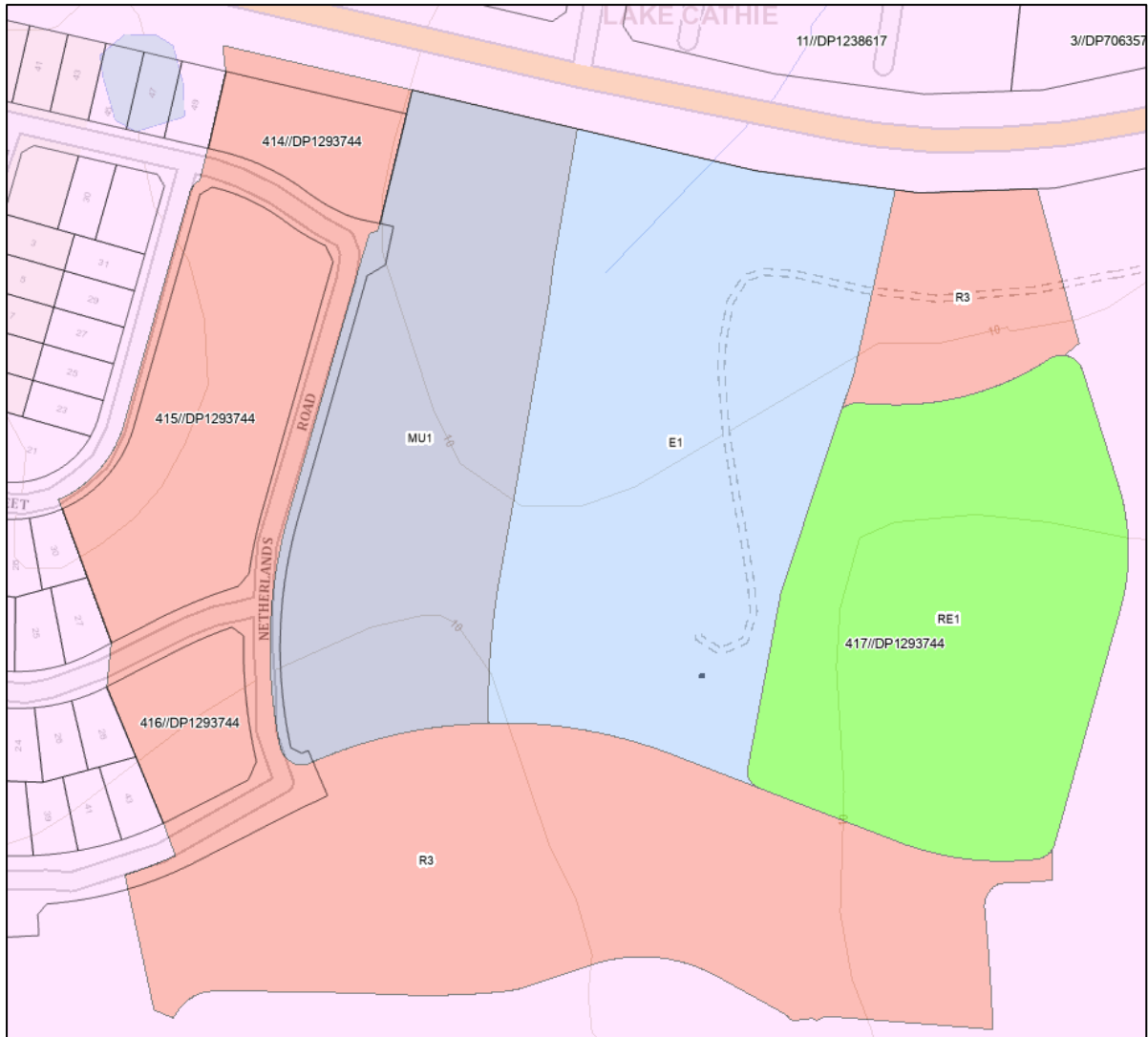


Figure 6: Rainbow Beach commercial centre and surrounding R3 zoned land with a 14.5m height limit and 1.5:1 FSR.

Pre-Lodgement Meeting

A pre lodgement meeting was held on 6 December 2023 for the proposal (Council reference 2023/74). The issues discussed are addressed in Table 1.

Table 1: Pre Lodgement Meeting Minutes

| Issue | Comment |
|--|--|
| <p>1. North Coast Regional Plan 2041 (NCRP) The planning proposal is to provide an assessment against the relevant planning principles and directions in the NCRP. The subject land is located within the Urban Growth Area (UGA) boundary identified in the NCRP. Relevant Objectives to the subject site as identified in the NCRP: <i>Objective 1 - Provide well located homes to meet demand</i> <i>Objective 2 – Provide for more affordable and low-cost housing – scoping proposal does not provide details on whether or not the proposal will address affordable and low-cost housing.</i> <i>Objective 3 – protect regional biodiversity and areas of high environmental value – scoping proposal outlines that vegetation within the rear portion of the site will continue to be preserved with no change to C2 Environmental Conservation zone.</i> <i>Objective 4 – Understand, celebrate and integrate Aboriginal culture - the scoping proposal does not detail an Aboriginal and Cultural Heritage Assessment.</i> <i>Objective 11 – Support cities and centres and coordinate the supply of well-located employment land.</i> <i>Objective 18 – Plan for sustainable communities – this objective requires consideration of Council’s LSPS which must be based on key strategic planning principles and strategic planning guidelines.</i> <i>Objective 20 – Celebrate local character.</i> The subject land is located in the Coastal Strip and contains areas of potential High Environmental Value (HEV). Biodiversity matters and requirements for the planning proposal are considered further below in these minutes.</p> | <p>Section 3.3.1 of this report contains a detailed consideration of the NCRP including all listed objectives.</p> |
| <p>2. Local Strategic Planning Statement - Shaping Our Future 2041 (LSPS) The scoping proposal contributes to the following Planning Priorities within the LSPS: <input type="checkbox"/> Planning Priority 6 – Use a place-based approach to shape the development of our sites, streetscapes, precincts, towns and centres. <input type="checkbox"/> Planning Priority 7 - Provide for a diversity of housing in the right locations.</p> | <p>Section 3.4.1 of this report contains a detailed consideration of the LSPS including all listed sections.</p> |

| | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Planning Priority 8 – Create vibrant public places and spaces that inspire social interaction and support community wellbeing. <input type="checkbox"/> Planning Priority 9 – Preserve and enhance the distinctive character, size and scale of our towns, villages and rural communities. <input type="checkbox"/> Planning Priority 13 – Build the capacity of Port Macquarie as a regional city and develop the vitality of other economic centres and employment lands. | |
| <p>3. Urban Growth Management Strategy 2017-2036 (UGMS)</p> <p>The subject land is located in the Lake Cathie–Bonny Hills urban Growth Area in the UGMS and identified as “Undeveloped Urban” (March 2018) (UGMS V1, page 19: Lake Cathie-Bonny Hills Urban Zoned Land).</p> <p>The proposed rezoning of the subject land satisfies the housing priorities identified for Lake Cathie and Bonny Hills in Vol 2 of the UGMS: <i>Apartment and Town Living housing located in walking distance to village business zones.</i></p> <p>The subject land contains HEV areas and biodiversity matters and requirements for the planning proposal are considered further within these minutes.</p> | <p>Section 3.4.2 of this report contains a detailed consideration of the UGMS including all listed sections.</p> |
| <p>4. Other Council Strategies and Guidelines</p> <p>Provide an assessment of the proposal against the following additional relevant Council strategies and guidelines:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Biodiversity management strategy <input type="checkbox"/> Infrastructure strategy <input type="checkbox"/> Regional Integrated transport Strategy <input type="checkbox"/> Pedestrian Access and mobility plan <input type="checkbox"/> Smart community Roadmap <input type="checkbox"/> Waste Strategy <input type="checkbox"/> Bushfire risk mitigation on public land policy <input type="checkbox"/> Various contribution polices and plans, and development service plans, e.g. local roads contribution plan, major roads contribution plan, open space contributions plan <input type="checkbox"/> Social impact assessment policy <input type="checkbox"/> Sustainability policy <input type="checkbox"/> Waste minimisation and management policy <input type="checkbox"/> Community participation plan <input type="checkbox"/> Development control plan provisions <input type="checkbox"/> Recreation action plan | <p>The listed policies are addressed in sections 3.4.11 to 3.4.24 of this report.</p> |
| <p>5. State Environmental Planning Policies (SEPP)</p> <p>The proponents did not provide consideration of the relevant NSW SEPP in their proposal, the following will have to be addressed in the proposal:</p> <p>a. State Environmental Planning Policy (Resilience and Hazards) 2021.</p> | <p>SEPPs are addressed in Section 3.5 of this report.</p> |

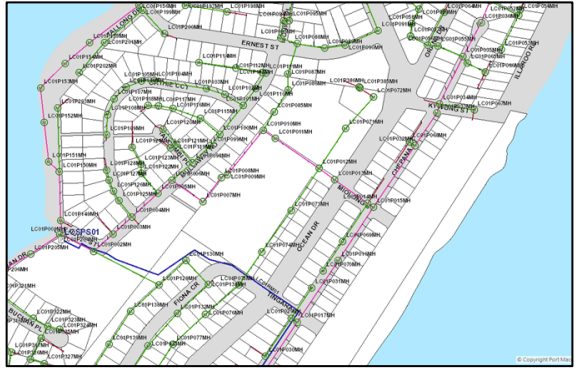
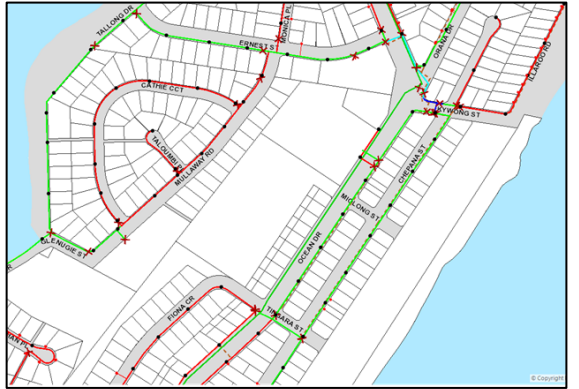

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| <p>The subject site is identified as being affected or partially affected by the following attributes in the SEPP:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Littoral rainforests <input type="checkbox"/> Proximity to Littoral Rainforests <input type="checkbox"/> Coastal Environment Area <input type="checkbox"/> Coastal Use Map <p>The subject site has been identified as containing part of a coastal wetland and is partly located within the proximity area of a coastal wetland. Chapter 2 of this SEPP is to be addressed especially in terms of demonstrating that the proposal will not significantly impact on (a) the biophysical hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest; or (b) the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest.</p> <p>b. SEPP (Housing) 2021 c. SEPP (Biodiversity and Conservation) 2021 d. SEPP (Transport and Infrastructure) 2021</p> | |
| <p>6. Port Macquarie-Hastings Local Environmental Plan 2011 (LEP). Provide an assessment of the proposal against the objectives of the LEP, and justification for nominated land use zones.</p> <ul style="list-style-type: none"> a. Zoning b. Minimum Lot size c. Flooding d. Acid sulphate soils | <p>PMH LEP 2011 is addressed in Section 3.4.23 of this report.</p> |
| <p>7. Bushfire The subject land is mapped as bushfire prone land. A strategic bushfire Study prepared in accordance with Planning for Bushfire Protection (PBP) 2019 is to be submitted with the planning proposal.</p> | <p>A strategic bushfire study is submitted with this planning proposal at Appendix E.</p> |
| <p>8. DPE Local Environmental Plan Making Guidelines, August 2023 (Guideline)</p> | <p>The Guideline has been referred to in the preparation of the planning proposal and the relevant parts and information have been included.</p> |
| <p>9. Council's Planning Proposal Policy 2023 (Policy) Council's Planning Proposal Policy includes requirements for the consideration of applications and the circumstances in which they will be prioritised in the Land Use Planning Program. Any Planning Proposal Application must demonstrate how it is consistent with Section 3.6 of the Policy to be considered by Council.</p> | <p>The policy is addressed in Section 3.4.10 of this report.</p> <p>Note that Section 3.6 has been deleted from the current version of this policy.</p> |

| Natural Resource Management | |
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| <p>The site is within the Coastal Use and Coastal Management area under the SEPP, is indicated on the Biodiversity Values Map, is known Koala habitat, contains Littoral Rainforest, and proximity area Littoral Rainforests. PMH DCP 2013 - requires buffers for rivers, EECs</p> <p>1. Planning proposal to be undertaken in accordance with the guiding principles to ensure consistency with the North Coast Regional Plan 2041 (NCRP) as follows:</p> <p>a) Focus on biodiversity constraints analysis of the planning area - not impact assessment b) Identify and describe any high environmental/biodiversity values (HEV) in and associated with the planning area, this will include fieldwork, research and liaison. The HEV from the NCRP includes the following criteria: i) Existing conservation areas, including national Reserves and reserves ii) Land mapped under the Biodiversity Values Map iii) Native vegetation of high conservation value, including over-cleared vegetation types, or occurring in over-cleared landscapes, old growth forests and rainforests iv) Threatened ecological communities (critically endangered, endangered and vulnerable) v) Key habitats vi) Important wetlands, coastal lakes and estuaries vii) Sites of geological significance c) Analyse the data to justify/guide the application of zones, building envelopes and any proposed lots.</p> <p>d) Avoid and Minimise Impacts on HEV - Maximise avoiding land use intensification in HEV areas and justify any non-avoidance of HEV areas.</p> <p>e) Apply C zones (C2, C3 or EC) to areas of biodiversity value (HEV) where possible.</p> | <p>The R1 part of the site is separated from the C2 zone by a koala fence approved under DA2017/715. There is also a fire trail approved under DA2017/715 which is adjacent to the fence and on the western side of the fence in the C2 zone.</p> <p>It is proposed to rezone 5m of the R1 zone and 6m of the C2 zone (the fire trail) to C3. This is supported by the ecologist and bushfire consultant.</p> <p>The Strategic Bushfire Study at Appendix E states that a 25m APZ from the vegetation in the C2 zone is required. Therefore there will be a 25m buffer from the C2 zone vegetation on site.</p> <p>A Preliminary Ecological Assessment is at Appendix F.</p> <p>The nearest reserve is Lake Cathie Reserve which is 280m away from the site. The proposal will maintain the existing linkage between habitat in the C2 zone on the site and the nature reserve. National parks are in Lake Innes and Queens Lake State Conservation Area, which are both over 2km from the site.</p> <p>The site is almost entirely mapped as having Biodiversity Values. The R1 portion of the site was mostly cleared under DA2017/715. Only sparse trees remain in the R1 zone, which are subject to edge effects and are growing in sand.</p> <p>The native vegetation in the C2 zone will be retained and is protected by the existing fence.</p> <p>There is no TEC, key habitat, wetlands, coastal, lake, estuaries, or sites of geological significance in the R1 zone.</p> <p>The R1 zone is proposed to be changed to R3 and C3. A 5m wide C3 Environmental Management zone is proposed as a buffer between the R3 and the adjoining C2 Environmental Conservation land. This buffer will also accommodate the koala fence, and future building envelopes will be set back 25m from the C2 zone.</p> |

No intensification of land use in the HEV C2 zone is proposed. The area of HEV on the site is already zoned C2 and no change is proposed.

| | |
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| <p>2. The principles of Ecologically Sustainable Development shall be demonstrated in planning and assessing the development proposal 'using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased' consistent with the purpose of the <i>Environmental Planning and Assessment Act 1979</i> Section 1.3 (b).</p> | <p>The principles of ESD have been considered in the preparation of this planning proposal. The proposed R3 zoning of the site and associated development controls represent a more sustainable outcome for the site than a low density R1 development. Selecting the highest and best use for a land parcel is key to achieving sustainability. The highest and best use cannot be achieved on this site without rezoning and increasing the associated development standards.</p> |
| <p>3. The planning proposal is to ensure the Guidelines for developments adjacent to national parks and other reserves is addressed and adhered to.</p> | <p>The document is addressed in Section 3.8.1 of this report.</p> |
| <p>4. Ensure consistency with Ministerial direction 3.1 to "include provisions that facilitate the protection and conservation of environmentally sensitive areas."</p> | <p>Ministerial Directions are addressed in Appendix C of this report.</p> |
| <p>5. Ensure consistency with Ministerial direction 4.2 where the proposal is on land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> | <p>Ministerial Directions are addressed in Appendix C of this report.</p> |
| <p>Transport</p> | |
| <p>Consideration should be given to the road in proximity to the EEC / C2 Zone.</p> | <p>There is an approved fire trail under DA 2017/715 which was recently constructed on the C2 zone side of the approved koala fence erected between the R1 and C2 zone. This planning proposal does not include any proposed road on the western boundary, which would be subject to development consent.</p> <p>Between the western edge of the fire trail and any development on site, a 5m wide C3 Environmental Management zone is proposed. Any future perimeter road on the R3 land would be subject to development consent and be located to the east of the proposed 5m C3 buffer. A koala fence will remain between the C2 native vegetation and any future road on the R3 land.</p> |
| <p>The following additional information outlined in item 2, column 3 of Attachment B of DPEs Local Environmental Plan Making Guideline, does not appear to have adequately addressed the traffic implications in the scoping proposal:</p> <ol style="list-style-type: none"> 1. Estimated travel demand (number of trips by mode) 2. Preliminary analysis of traffic and transport impacts to understand: <ul style="list-style-type: none"> <input type="checkbox"/> high-level pre-development and post-development scenarios | <p>A Traffic and Access Assessment Report has been prepared and is at Appendix E.</p> |

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| <ul style="list-style-type: none"> <input type="checkbox"/> potential impacts on existing and future transport networks <input type="checkbox"/> potential services and infrastructure required to support the proposal <input type="checkbox"/> potential need for / type of traffic modelling <input type="checkbox"/> active transport requirements <p>3. Proposed scope and methodology for detailed analysis and proposed assumptions (i.e. traffic generation rates, public transport mode shifts, trip containment, directional split, area growth rate, etc).</p> | |
| <p>Further, TfNSW highlights the need to identify active transport infrastructure required in the immediate locality, including connections with current and/or proposed public transport infrastructure and services to reduce the reliance upon private car travel. Consideration of sustainable transport choices is to be consistent with the 6 guiding principles of the Future Transport Strategy 2056.</p> | <p>The Traffic and Access Assessment Report at Appendix E identifies the public transport and cycling connections and walkability of the site.</p> |
| <p>A traffic assessment is to be undertaken by a suitably qualified consultant addressing if the proposed residential zone and potential proposed use/s will have any additional impact on the transport network.</p> | <p>A Traffic and Access Assessment Report has been prepared and is at Appendix E. The report concludes (in part) that “the future traffic impacts of the proposal would not result in detrimental road and intersection operating conditions in the vicinity of the development site.”</p> |
| <p>In the pre-lodgement meeting the proponent outlined that Council may be constructing a roundabout at the intersection of Fiona Crescent and Ocean Drive. Council’s Infrastructure Division (Roads Planning and Design) have informed strategic planning that there are no current plans to construct a roundabout at the intersection of Fiona Crescent and Ocean Drive. The roundabout mention is also not identified in Council’s Ocean Drive Corridor Strategy. Any TIA should consider this accordingly.</p> | <p>It is understood that Council are not currently planning this roundabout and the traffic report has not assumed the presence of a roundabout in future.</p> |
| <p>Water and Sewer</p> | |
| <p>Sewer network will not have capacity to cater the additional yield from proposed zoning change without augmentation to the existing Bonny Hills Wastewater Treatment Plant (BH WwTP). Also, the immediate pump station (LCSPS01) and trunk main network is over capacity and requires upgrades to cater to additional sewer network loads.</p> | <p>On 2 May 2024 Council advised:</p> <p><i>“We have received advice from Water and Sewer that there is sufficient central plant treatment capacity for this proposal. The proposal will still need to consider how the proposal will connect into the network and ensure there is sufficient network capacity e.g. pump station(s) and mains. A infrastructure servicing strategy would need to be provided with any proposal to determine the most appropriate measures to ensure suitable infrastructure to support development.”</i></p> <p>The servicing strategy at Appendix I shows the required information.</p> |

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| |  <p>Figure 7: Sewer infrastructure in the vicinity</p> |
| <p>Water supply network is anticipated to have capacity to support the proposed land rezoning.</p> | <p>Connection to the water network is shown on the servicing strategy plans at Appendix I.</p>  <p>Figure 8: Water infrastructure in the vicinity</p> |
| <p>Council supports connection to recycled water network as part of any land rezoning.</p> | <p>Connection to the recycled water networks is shown on the servicing strategy plans at Appendix I.</p>  <p>Figure 9: Reclaimed water infrastructure in the vicinity</p> |
| <p>Contamination and Acid Sulphate Soils</p> | |
| <p>A contamination and acid sulphate soil assessment is required to provide sufficient information that the site is suitable in its current state, or if contaminated that it can be appropriately remediated and made suitable for the proposed land use.</p> | <p>A Stage 1 Site Contamination Assessment and Acid Sulfate Soil Assessment has been prepared and is at Appendix G.</p> |

Assessment

On 2 June 2025 Council sent an email advising:

The suggestion pertains to the C3 Environmental Management zone, rather than the C2 zone. I have noted your concerns regarding the 11-meter distance, which is consistent with the Asset Protection Zone (APZ), and I am open to further discussions on this issue.

The purpose of the C3 zone buffer for the C2 zone is to allow for the planting of vegetation that will assist with offset plantings and other greenery. This aligns with the recommendations from the Koala Assessment report and is likely to provide additional amenity benefits by screening the fence. This approach is also generally consistent with the advice provided by BCS, although they have specifically requested a C2 Environmental Conservation zone.

In summary, BCS recommends:

- 1. The planning proposal be amended to apply the C2 Environmental Conservation Zone to the areas of High Environmental Value in the planning area currently zoned R1 General Residential (i.e. the Asset Protection Zone area containing Koala feed trees).**

Due to the degraded condition of the land in question and the ongoing management required for KFT plantings and the APZ, we believe that a C3 Environmental Management Zone is more appropriate. According to the Department of Planning Practice Note PN09-002, the C3 Environmental Management Zone may be applied in the following circumstances:

- as a transition between high conservation value land, e.g. land zoned E1 or E2 and other land such as that zoned rural or residential.*
- where rehabilitation and restoration of its special environmental qualities are the primary purpose.*

On 2 July 2025 in response to Council's requested 11m C3 buffer zone, the Applicant proposed an 11m wide C3 zone comprising the existing 6m wide firetrail in the C2 zone and an additional 5m of the R1 zone. This proposal was supported by reports from the site's senior consulting ecologist Alison Martin of Greenloaning Biostudies Pty Ltd and bushfire consultant David Pensini of Building Certification & Environmental Services

On 5 August 2025 Council staff verbally advised that the Council recommendation is for an 11m wide C3 zone entirely in the R1 zone.

On 6 August the Applicant sent a response to Council requesting inclusion of the Applicant proposed alternative C3 zone in the Council report. Council staff ultimately agreed to include both recommendations.

Council Meeting

On 21 August 2025 the Planning Proposal was considered at the Council Meeting (Item 13.03 PP2024-13.1 – Planning Proposal Assessment Report – Ocean Drive Lake Cathie. Council resolved that:

*“Resolved: Hornshaw/Maltman
That Council:*

- 1. Endorse the draft Planning Proposal, to enable rezoning of part of the land from R1 General Residential to C3 Environmental Management, R3 Medium Density Residential and associated amendments to the minimum lot size, height of building and floor space ratio maps, as per the proponents proposal in respect of the proposed 5m C3 zone, prepared under Section 3.33 of the Environmental Planning and Assessment Act 1979.*

2. *Forward the draft Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, and request that the Gateway Determination authorise Council to be the local plan-making authority.*
3. *Delegate authority to the Director Community, Planning and Environment to make any minor updates to the Planning Proposal prior to seeking a Gateway Determination, and/or as a result of the issue of Gateway Determination.*
4. *Receive a report following the public exhibition period on any submissions received.*
5. *Notify the proponent of Council's decision.*

Carried: 7/2

For: Hornshaw, Intemann, Kirkman, Lipovac, Maltman, Roberts and Tubman

Against: Edwards and Sheppard"

Based on this recommendation the Applicant was asked to update the planning proposal to reflect this.

Gateway Determination

The Gateway Determination for Planning Proposal (Department Ref: PP-2024-2071) was received from the Department on 3 November 2025 and is subject to the following conditions:

1. *Prior to consultation the proposal will be amended to include all current property descriptions.*
2. *Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*
 - a) *The planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and*
 - b) *The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).*
3. *Consultation is required with the following public authorities and government agencies under Section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under Section 9 of the Act:*
 - *NSW Rural Fire Service;*
 - *Transport for New South Wales;*
 - *NSW Department of Climate Change, Energy, the Environment and Water*
4. *A public hearing is not required to be held into the matter by any person or body under Section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*

In response to Condition 1 this Planning Proposal report has been reviewed and updated to ensure all property descriptions are correct.

1 OBJECTIVES AND INTENDED OUTCOMES

1.1 Objective

The objective of this proposal is to amend the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011) to enable the development of land located on the subject site as Ocean Drive, Lake Cathie for medium-density residential accommodation.

1.2 Intended Outcomes

- Prepare the site for future medium density residential development through rezoning of part of the subject site from R1 to R3 Medium Density Residential.
- Protect the native vegetation on the western side of the site by creating an 5m wide C3 zone, being 5m on the R1 side of the fence.
- Contribute to achieving Council's goals for density and population within the Lake Cathie – Bonny Hills area.
- Permit new medium density residential development in proximity of existing community services and infrastructure.
- Apply the relevant R3 Medium Density Residential LEP provisions to the site.

2 EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by the following proposed amendments to the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011):

- Amend LEP 2011 Height of Buildings Map from 8.5m to 14.5m.
- Amend LEP 2011 Floor Space Ratio Map from 0.65:1 to 1.5:1.
- Amend LEP 2011 Lot Size Map from 450m² to 1,000m².
- Amend LEP 2011 Land Zoning Map from R1 General Residential to part R3 Medium Density Residential.
- Amend LEP 2011 Land Zoning Map from R1 General Residential to part C3 Environmental Management.
- Amend LEP 2011 Land Zoning Map from C2 Environmental Conservation to part C3 Environmental Management.

Refer to **Section 4** for mapping extracts and **Appendix A** for full set of proposed maps.

3 JUSTIFICATION

This section addresses the requirements of the Department of Planning's "Local Environmental Plan Making Guideline" dated August 2023.

SECTION A – NEED FOR THE PLANNING PROPOSAL

3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Port Macquarie-Hastings Council's Local Strategic Planning Statement 'Shaping our Future 2040' identifies the Lake Cathie-Bonny Hills area as the second fastest growing urban area in the LGA. Shaping our Future 2040 forecasts significant population growth and demand for housing within the proposal area, and identifies that accommodating such an influx of population will require the usage of dense development, especially those which fit in the 'Missing Middle' and Medium-Density range.

This Planning Proposal largely adheres to the objectives and aims of the LSPS by accommodating projected residential growth with new, dense development, while not compromising on the locale's status as a Coastal Village. The subject site's location and proximity to existing services make it an attractive location for development, and follows Council's aims for new developments to incorporate considerations for active and public transport, augment existing business and employment land, account for changes in climate, as well as minimise the potential for environmental damage as result of development.

The LSPS, and its priorities, are discussed in greater detail throughout this report. See **Section 3.4.1** for a comprehensive breakdown of the LSPS Planning Priorities, and their relationship to the proposal.

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

A planning proposal is the only means of achieving the objective to develop the site for medium density residential accommodation.

Proposed amendments to development standards for the site are largely in line with what is typical of an R3 zoning, including those present in Lake Cathie. It would not be suitable to include site-specific provisions in relation to the proposed use.

SECTION B – RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

3.3 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)?

3.3.1 North Coast Regional Plan 2041

The applicable regional plan is the North Coast Regional Plan 2041 (NCRP) dated December 2022. The NCRP is the 20-year strategy to guide land use planning for the North Coast. The goals and objectives of the NCRP in relation to the proposal are addressed in **Table 2**.

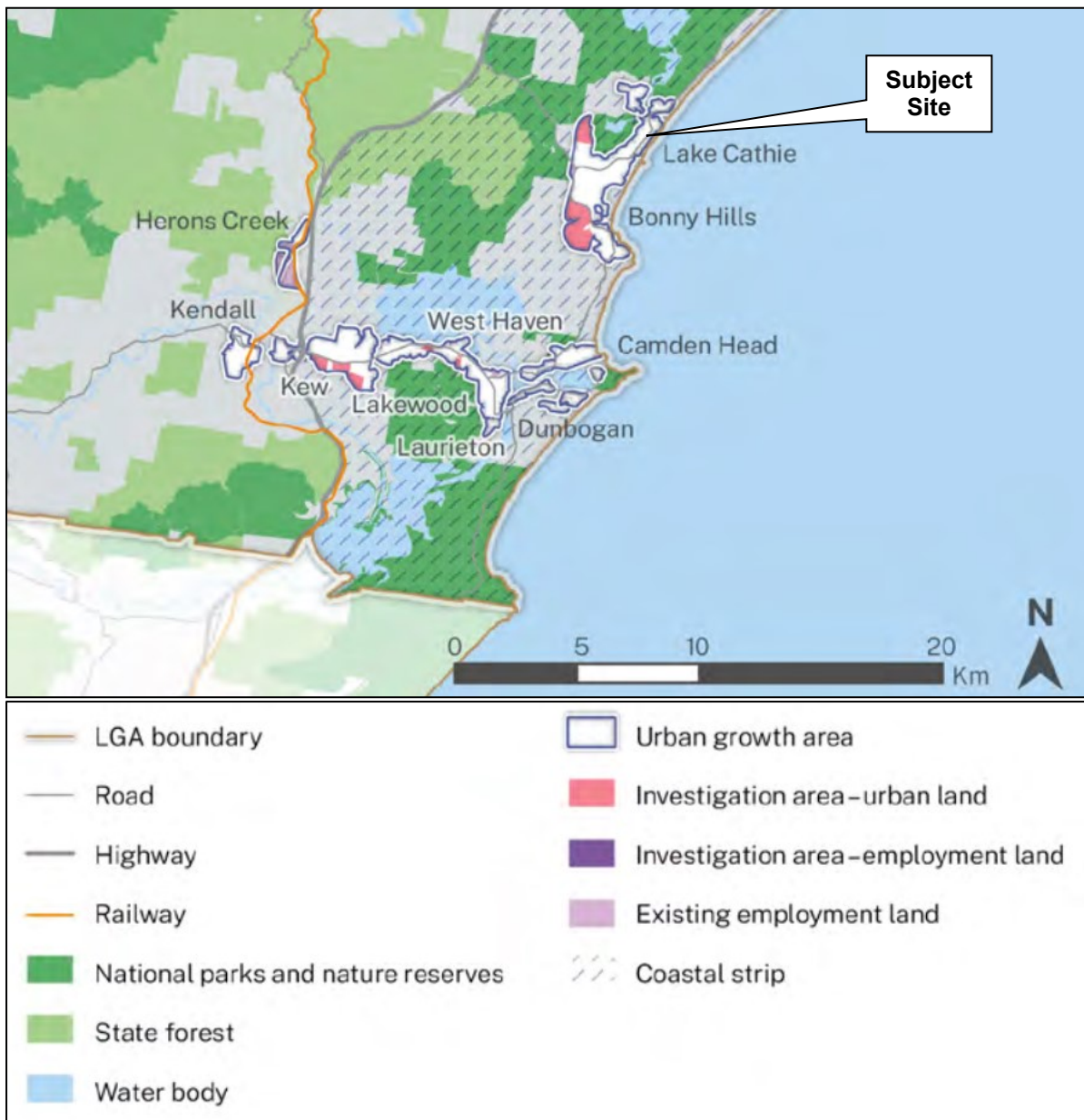
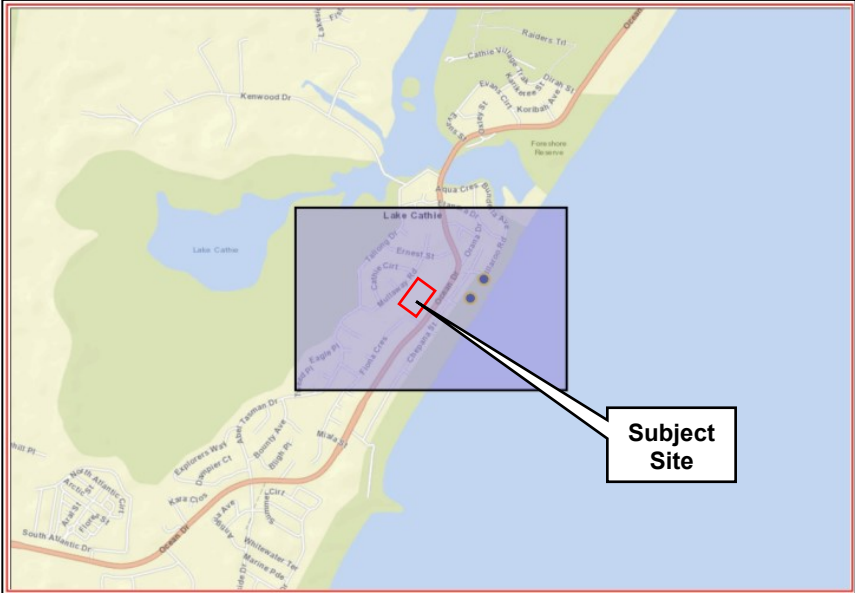


Figure 10: NCRP 2041

Table 2: NCRP 2041 Goals & Objectives

| Objective | Comment |
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| Goal 1 – Liveable, sustainable and resilient | |
| Objective 1: Provide well-located homes to meet demand | <p>The Lake Cathie – Bonny Hills area is projected to become the second fastest growing area in the Port Macquarie-Hastings LGA. Demand for housing in Lake Cathie remains high, evidenced by limited supply. New developments have been slow to respond to the existing housing shortfall. Further, new developments are proposed in Seaside and Rainbow Beach, with little proposed in Lake Cathie itself.</p> <p>Housing options in Lake Cathie are severely limited, with a critical lack of housing diversity. The dominant housing type in Lake Cathie is low-density detached dwellings, with a substantial lack of any medium-density or ‘missing middle’ accommodation options. Newer developments have responded to this, incorporating R3 and MU1 zoning, though supply remains low.</p> <p>The subject site offers the best opportunity for medium density development in the immediate surrounds of the Lake Cathie business centre.</p> <p>Council has previously noted during correspondence that the density and population targets for Lake Cathie – Bonny Hills are failing to achieve expectations, and therefore further consideration of dense development is necessary to ensure objectives and aims are met.</p> <p>The developable residential footprint on the subject site is currently cleared of any significant vegetation with a Vegetation Management Plan in place. Significant clearing will not be necessary as part of future development, and the subject site’s proximity to existing community services and infrastructure make it a desirable infill development site.</p> |
| Objective 2: Provide for more affordable and low-cost housing | <p>As noted previously, the new housing market in Lake Cathie is slow to respond to demand and there is limited zoned land available, resulting in general lack of affordability throughout the area.</p> <p>The incorporation of medium density housing will help to ease the housing shortage in the area. Units are typically lower cost and therefore more affordable to a wider segment of the community.</p> <p>Medium density dwellings typically lend themselves to rentals in many instances, and the proposed use of the site will also appeal to those who choose to rent and seek a more affordable and low maintenance option.</p> <p>Additional housing supply is necessary to improve local supply in the area. Medium Density usage is therefore appropriate, as it will meet supply in a sufficient manner which is also capable of servicing renters as well.</p> |
| Objective 3: Protect regional biodiversity and areas of high environmental value | <p>With consideration to environmental restraints and provisions, the area permissible for future development in and around Lake Cathie is highly limited. The locale is surrounded by a mixture of National Parks, endangered ecological communities, and dense vegetation. Options for future development are therefore minimal.</p> <p>The proposed rezoning and future development requires no clearing.</p> <p>Use of the R1 part of the site for single dwellings, as the R1 zoning intends, fails to realise the full potential of the site.</p> |

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| | <p>It is necessary to ensure that any vacant, cleared, developable land maximises residential yield. Rezoning of the site to R3 will help to eliminate the need for further clearing in Lake Cathie, as well as maximising the potential for the most sustainable residential use of the site.</p> | | |
| <p>Objective 4: Understand, celebrate and integrate Aboriginal culture</p> | <p>4: An AHIMS was conducted on 26 August 2024 (Figure 11, Appendix K). There are no Aboriginal sites or places recorded on the site. There are two sites recorded at the southern end of Illaroo Road between the residential area and the beach.</p> <p>Disturbance of the site has previously been approved by Council under DA2017/715.3. The site is sandy and any Aboriginal heritage is unlikely to be retained in situ, in any case, Aboriginal heritage in the area is logically much closer to the beach as evidenced by the AHIMS.</p> <p>Standard procedure with regard to stop work is to be followed should any Aboriginal heritage be uncovered on site.</p> <div data-bbox="520 748 1378 1469">  <p>Search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown the following:</p> <table border="1" data-bbox="520 1406 1321 1469"> <tr> <td>2 Aboriginal sites are recorded in or near the above location.</td> </tr> <tr> <td>0 Aboriginal places have been declared in or near the above location.*</td> </tr> </table> </div> <p>Figure 11: AHIMS 26/8/24</p> | 2 Aboriginal sites are recorded in or near the above location. | 0 Aboriginal places have been declared in or near the above location.* |
| 2 Aboriginal sites are recorded in or near the above location. | | | |
| 0 Aboriginal places have been declared in or near the above location.* | | | |

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| <p>Goal 2 – Productive and connected</p> | |
| <p>Objective 11: Support cities and centres and coordinate the supply of well-located employment land</p> | <p>The site's northern boundary adjoins the Woolworths Shopping Complex, which contains a full-sized Woolworths, boutique stores and multiple eateries. Nearby is also the proposed Coastal Hilltop Village, which will seek to further add to the locale's options for commerce. Beyond Lake Cathie as well are several shopping opportunities in Bonny Hills and Laurieton.</p> <p>Incorporation of R3 zoning and the higher lot-yield will help support the business centre by boosting nearby resident numbers and therefore shopping centre clientele. Businesses in Lake Cathie have limited options to grow their customer base and increased residential density will have a positive impact on the Lake Cathie shopping centre specifically.</p> <p>The proposed R3 zone also creates an opportunity to provide tourist and visitor accommodation on the site to support the tourist economy. There is</p> |

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| | currently very limited tourist accommodation in Lake Cathie and no modern tourist accommodation. |
| Objective 16: Increase active and public transportation usage | <p>Proximity to the Woolworths Shopping Complex and other present / future commercial areas promotes walkability and other alternate means of transport. The frontage along Ocean Drive currently has a shared pathway which connects to the shopping centre and medical precinct located nearby. While the pedestrian network in Lake Cathie is limited at present, it is noted that Port Macquarie-Hastings Council has several proposed pathways as part of Bike Plan 2015.</p> <p>Additionally, the relatively low-speed, low-capacity streets present in the area do not detract from the walkability of the area. Access to local areas of recreation is not severely hindered by the current lack of pedestrian-specific infrastructure. The site is immediately adjacent to a reserve to the rear and is also a short walk to the beach. The site is well placed to encourage active transport.</p> <p>Busways services a line linking Kendall to Port Macquarie via Lake Cathie and Bonny Hills. The nearest stop is located approximately 100m from the centre of the site and is easily accessible. Furthermore, Busways also operates a number of school busses for local educational establishments.</p> |
| Goal 3 – Growth Change and Opportunity | |
| Objective 18: Plan for sustainable communities | <p>Rezoning the subject site to R3 will maximise the potential accommodation yield while centralising new housing supply within a developed area. All services necessary to service the development, including utilities, transportation and more, are all currently present within the area.</p> <p>The proposal to rezone to R3 is supported by tangible evidence of greater demand in the Lake Cathie area and is not speculative in nature. In consideration of Council’s Housing Strategy, it is necessary to maximise the potential of the subject site by enabling medium density development as opposed to low density detached dwellings.</p> |
| Objective 20: Celebrate local character | <p>Lake Cathie has a distinct Coastal Village aesthetic and lifestyle. The locale has enjoyed relatively low intensity of development and has largely retained its overall urban fabric and character over its recent lifespan.</p> <p>It is noted that medium density development is not typical in Lake Cathie, however given constraints for future housing delivery, a negotiated approach to up zoning appears necessary for Lake Cathie. Usage of a R3 Medium Density model is much more attractive than higher density options and will enable Lake Cathie to incorporate ‘missing middle’ type accommodation typically lacking in many coastal villages of its type.</p> <p>The site is effectively an island, isolated from other low density residential uses. The location immediately adjacent to Lake Cathie Shopping Centre minimises amenity impacts on existing surrounding low density development.</p> <p>While the proposal for medium density is a departure from typical Lake Cathie ‘norms’, it is the most efficient option present for meeting density and housing supply targets. The proposal will not detract from the area’s coastal aesthetic, nor its relatively insular village culture.</p> |

3.4 Will the planning proposal give effect to Council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

3.4.1 Shaping Our Future 2040

The Port Macquarie-Hastings Local Strategic Planning Statement “Shaping Our Future 2040” (LSPS) is the core strategic land-use planning document for the Port Macquarie-Hastings Local Government Area (LGA). It outlines the vision for land-use planning over the next 20 years and sets the direction for environmental, social and economic land-use needs. The LSPS is used by Council to assess planning proposals as part of the strategic merit test. The planning proposal will directly contribute to the relevant Planning Priorities as discussed in **Table 3**. The planning proposal is considered to be consistent with the LSPS.

Table 3: LSPS Planning Priorities

| Planning Priority | Principles | Comment |
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| Our Environment | | |
| Planning Priority 1 – Protect, conserve and enhance our biodiversity and areas of high environmental value. | <ul style="list-style-type: none"> Retain native vegetation and maintain or enhance ecological functions in wildlife corridors. | <p>A VMP has already been approved for the site, which will see retained vegetation in the C2 Environmental Conservation zone maintained, enhanced, and protected. It is proposed to provide a C3 zone straddling the R1 and C2 zones, including the fire trail currently in the C2 zone.</p> <p>The proposed rezoning from R1 to R3 will not contribute to any additional clearing requirements as the R1 part of the site is already cleared.</p> <p>Usage of the site for medium-density residential accommodation enables the protection of other vegetation present in the Lake Cathie area. The developable footprint in Lake Cathie accounting for environmental provisions is severely limited. It is reasonable to consider rezoning to R3 to maximise residential accommodation in consideration of this.</p> |
| Planning Priority 2 – Manage growth sustainably. | <ul style="list-style-type: none"> Protect our natural environment by focusing development to areas of least biodiversity sensitivity. | <p>The proposed R3 developable footprint is already substantially cleared with minimal biodiversity sensitivity. The Lake Cathie community is effectively enveloped by National Parks and other areas of significant ecological value.</p> <p>Rezoning of the cleared R1 site to R3 and maximising the efficiency of new residential development enables the retainment and protection of other environmental areas present in the locale.</p> |

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| <p>Planning Priority 3 – Increase our community’s resilience to the impacts and risks of natural hazards and environmental change.</p> | <ul style="list-style-type: none"> • Minimise risk to public health and safety from urban and natural hazards. • Avoid intensification of development and incompatible land uses in areas exposed to natural and urban hazards which could result in a risk to life and property. | <p>The subject site of the proposal is located on a classified arterial road, with numerous routes of evacuation should it be necessary.</p> <p>There is no imminent risk of coastal erosion, flooding, landslip, future climate change, or any other form of natural disaster.</p> <p>A strategic Bushfire Study is held at Appendix D.</p> |
| Our Places | | |
| <p>Planning Priority 6 – Use a place-based approach to shape the development of our sites, streetscapes, precincts, towns and centres.</p> | <ul style="list-style-type: none"> • Create places designed for people. • Create places which are distinctive in identity, responsive to local community needs and contribute to improved liveability. • Attract the right uses to the right places. | <p>The proposal will facilitate future development which will be beneficial to Lake Cathie. Lake Cathie currently features a homogeneous housing offering of generally low density detached housing. The inclusion of an R3 development along Ocean Drive will create a distinct medium density precinct which is effectively on an island with the Lake Cathie Village Centre. The site is not immediately adjacent to any single dwellings and has a unique opportunity to create a standalone medium density character compatible with the surrounding R1 and E1 zones.</p> |
| <p>Planning Priority 7 – Provide for a diversity of housing in the right locations.</p> | <ul style="list-style-type: none"> • Provide greater housing diversity and affordable housing options. • Locate new housing near strategic and local centres. | <p>Currently Lake Cathie has a critical shortage of diverse housing options. The dominant housing option in Lake Cathie is low-density detached homes. Only in recent years has the prospect of greater density dwellings been explored, however these proposed and approved medium density dwellings are in Seaside at Bonny Hills and not within Lake Cathie town centre.</p> <p>The proposed R3 zone will provide an opportunity for greater tourist accommodation located ideally adjacent to the town centre in easy walking distance to Lake Cathie and Lake Cathie Beach.</p> <p>Rezoning to R3 would assist in addressing the lack of diverse housing in Lake Cathie. Proximity to existing infrastructure, services and business is attractive for development.</p> |
| <p>Planning Priority 8 - Create vibrant public places and spaces that inspire social interaction and support community wellbeing</p> | <ul style="list-style-type: none"> • Provide accessible, welcoming and safe public places for all ages, abilities and cultures in line with Council’s Community Inclusion Plan and Disability Inclusion Action Plan. • Ensure new development is supported by appropriate social infrastructure. • Provide flexible, diverse and multi-use public places and spaces close to local centres. | <p>The site is not a public place, but the location of the site is well suited for access by residents to the shopping centre by foot or mobility device. There is an existing footpath from the site which will be retained or upgraded in the future DA. The footpath also provides barrier free access to the bus stop.</p> <p>The future apartment development will have barrier free access to at least 20% of the apartments in accordance with Section 83 of PMHDCP 2012. This will encourage</p> |

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| | <ul style="list-style-type: none"> • Encourage partnerships for shared and joint use of government and privately-owned facilities for community uses. • Incorporate Council’s Place Guidelines in the planning, design, provision and evaluation of our public spaces and community facilities | <p>those with accessibility requirements to reside in the building.</p> <p>A medium density use of the site will increase use of the public places in Lake Cathie Village, including cafes and Lake Cathie Tavern. There is short and fairly level walking access to Mullaway Reserve and Lake Cathie Beach.</p> <p>Shared spaces within the future development will include barrier free access where possible.</p> |
| <p>Planning Priority 9 – Preserve and enhance the distinctive character, size and scale of our towns, villages and rural communities.</p> | <ul style="list-style-type: none"> • Ensure planning for future growth reflects different contexts. • Ensure new development reflects and builds on the essential and distinctive character of our Places and our People. | <p>Lake Cathie has a distinctive local character as a Coastal Village, enjoying a low-intensity approach to living and insular development footprint. The proposal for R3 Medium Density rezoning is appropriate, as it is an effective retransition between E1 and R1 General Residential.</p> <p>R3 Medium Density zoning will help fill the missing middle, as well as accommodate for greater density options without severely departing from local values. R3 zoning also creates opportunity for apartment development that caters for downsizing older residents, allowing them to stay in Lake Cathie.</p> <p>Lake Cathie is a popular holiday destination with limited tourist accommodation. The proposed R3 zoning provides opportunity for increased tourist accommodation.</p> |
| Our Connections | | |
| <p>Planning Priority 11 – Provide a multi-modal integrated land-use and transport network across Port Macquarie-Hastings</p> | <ul style="list-style-type: none"> • Coordinate land use and transport planning to protect transportation corridors and support the safe and efficient movement of people, goods and services across all modes of transport (including aviation) • Prioritise pedestrians over cars in centres to create places where people want to spend time and to ensure local streets and neighbourhoods encourage physical & social activity and connectivity | <p>The subject site is in close proximity to existing services and infrastructure, particularly the Woolworths Shopping Complex and proposed Coastal Hilltop Village, enabling active transportation options. Furthermore, the subject site is located near the 333 service operated by Busways.</p> <p>The proposal is capable of further enhancement into the future and during development for pedestrianised forms of transportation.</p> |
| <p>Planning Priority 12 – Develop a network of safe, accessible and sustainable local transport options linking key local destinations.</p> | <ul style="list-style-type: none"> • Coordinate land-use and transport planning to prioritise active transport across the LGA • Improve local public transport connections to extend the reach of the regional transport network | <p>The subject site is located along a shared pathway which fronts Ocean Drive. Immediate linkage is supplied to the adjacent shopping centre, and various proposed paths will see the site further connected to future developments such as Catarina Hilltop Village and Rainbow Beach Commercial Precinct.</p> |

| Our Economy | | |
|---|---|--|
| Planning Priority 13 – Build the capacity of Port Macquarie as a regional city and develop the vitality of other economic centres and employment lands. | <ul style="list-style-type: none"> • Improve the amenity and design of our city, town, neighbourhood and local centres to improve visitation, business development and co-working opportunities • Foster business networks and partnerships to connect, promote and grow business • Activate our business precincts and employment lands | <p>Future development on the site will utilise contemporary, modern design principles to ensure a high level of visual amenity is supplied. Development on the subject site visually will complement the adjacent Woolworths Shopping Centre, forming it as a more distinct and established village centre.</p> <p>Additional residents adjacent to the shopping centre as well as future commercial developments in the area will help to provide a larger, more diversified clientele to support local business.</p> |

3.4.2 PMHC Urban Growth Management Strategy 2017-2036

The PMHC Urban Growth Management Strategy 2017-2036 (UGMS) aims to “identify opportunities for new economic development and housing that will meet the future needs of the community.”

The site is located in the Lake Cathie – Bonny Hills Urban Growth Area in the UGMS and identified as “Undeveloped Urban” as shown in **Figure 12**. Lake Cathie and Bonny Hills are expected to require 1,300 additional dwellings for 2,700 additional residents by 2036.

The UGMS notes that ‘Apartment Living’ is appropriate when located near village centres. As identified in **Figure 13**, the subject site is located immediately adjacent to existing Lake Cathie Village Centre, which the UGMS identifies as a neighbourhood centre. In this regard, the proposal will satisfy the housing priorities of the UGMS by providing new housing at a medium density in walking distance to a village business zone, which will in turn support the economic development of the adjacent business zone.

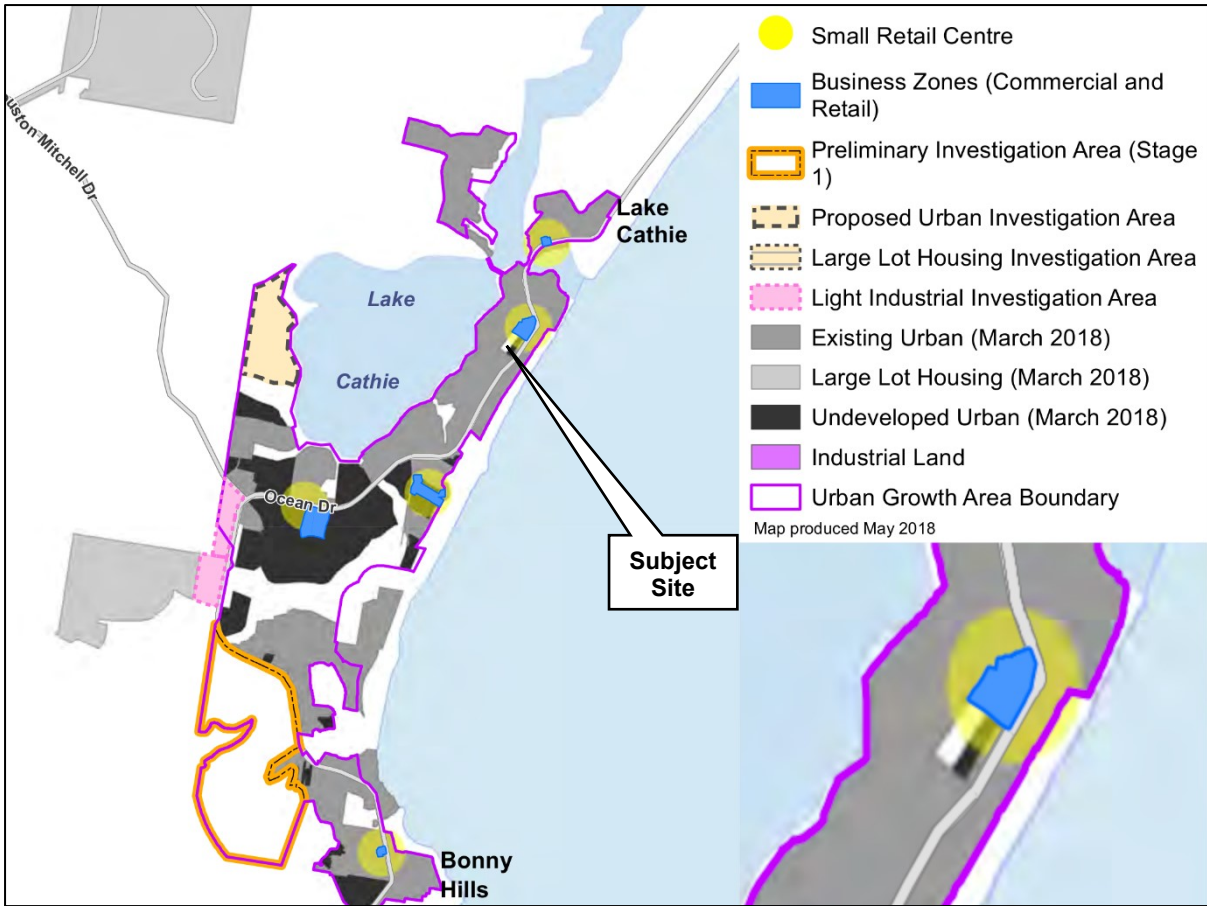


Figure 12: UGMS Mapping
Source: PMHC UGMS 2018 Vol 2

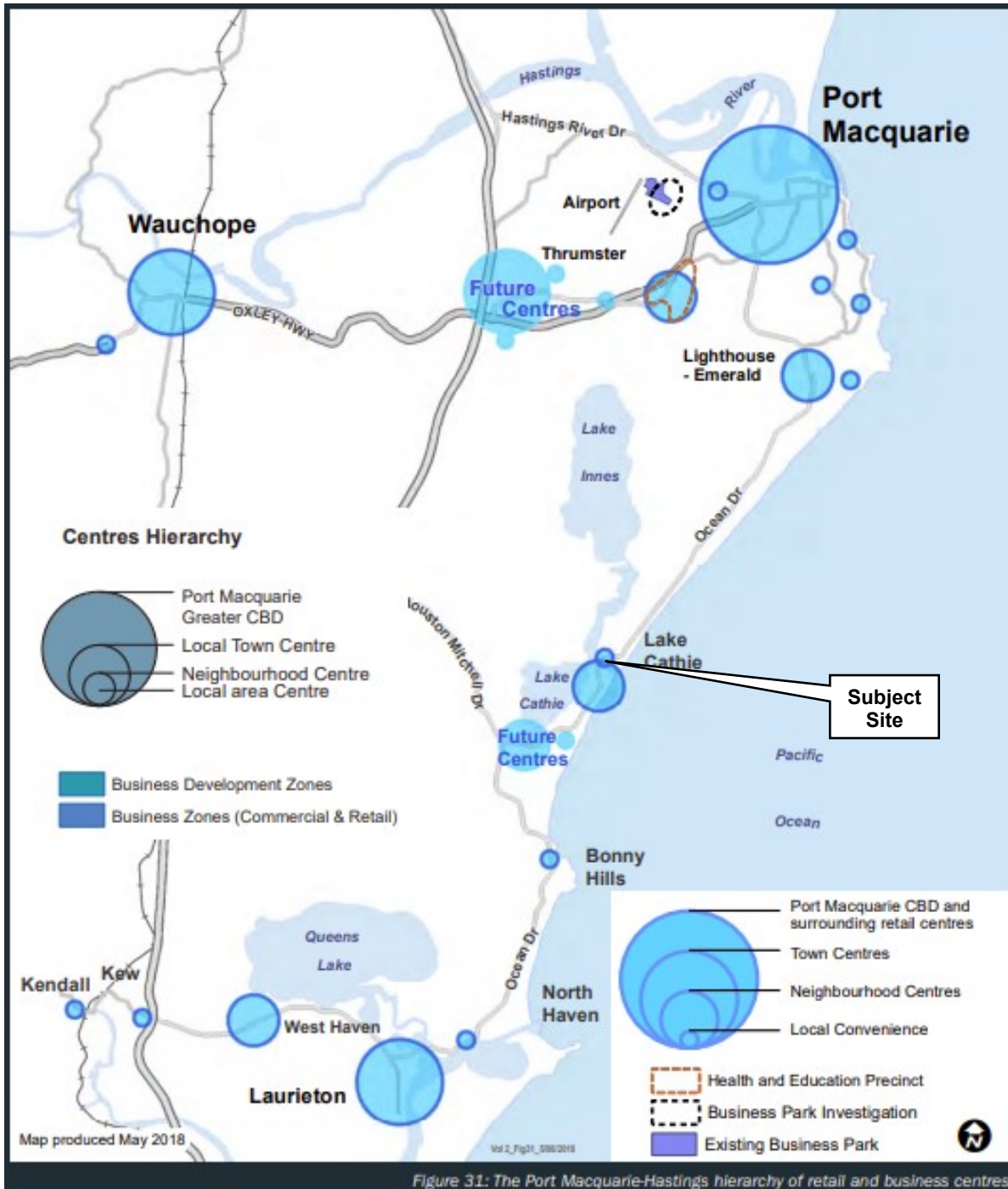


Figure 31: The Port Macquarie-Hastings hierarchy of retail and business centres

Figure 13: UGMS Retail and Business Mapping
Source: PMHC UGMS Volume 2

3.4.3 PMHC Lake Cathie Community Plan

The vision for Lake Cathie in the Community Plan (LCCP) is “*To protect and enhance our village character; to preserve and regenerate our natural environment; to support integrated planned growth (residential and business); to promote community involvement and welcome visitors.*”

The proposal to rezone land from R1 to R3 will help to satisfy the vision without compromising the village character of Lake Cathie. The proposal will support a medium density development which will encourage enhanced pedestrian activity in the area, which in turn promotes

community involvement and welcomes visitors. Because the proposed R3 zone is located adjacent to E1 zone and not immediately adjacent to any R1 zoned land, it does not encourage a domino effect of R3 zoned land throughout Lake Cathie.

The relevant “future focus” for Lake Cathie is “*support integrated planned growth for residential and business*” and “*retention of village character by monitoring future development.*” The proposed rezoning from R1 to R3 is considered to satisfy the future focus by supporting existing business zoned land in Lake Cathie. The proposal will not have a material impact on the planned growth of residential and business zoned land in Lake Cathie as it is a stand alone site that will not affect the character or amenity of the wider area.

Action 4.1.1 of the LCCP is “*Advocate for PMHC’s Urban Growth Management Strategy and other relevant documents regarding current development regulations (including height restrictions to ensure no high-rises and a minimum size of residential building blocks) to ensure sympathetic and mindful future development in Lake Cathie.*” The concept buildings are not high-rise but modest apartment buildings which are not out of character with the commercial site adjacent. The proposed future medium density residential development of the site is mindful of the site constraints and also the context of future surrounding development. The proposed MLS is 1,000m². Council’s pre-lodgement meeting minutes indicate their opinion is that the proposal will give effected to the UGMS.

The proposal is considered to be generally consistent with the LCCP.

3.4.4 PMHC Imagine 2050 Community Strategic Plan

‘Imagine 2050’ is a Community Strategic Plan prepared by Port Macquarie-Hastings Council, published April 2022, outlining desirable local planning outcomes. Imagine 2050 sets a number of key community wants, guiding principles, and six strategic themes to adhere by. Application of the six strategic themes and their relationship to the proposal are detailed below in **Table 4**:

Table 4: Imagine 2050 Strategic Themes

| Strategic Theme | Comment |
|--|--|
| Environmentally Sustainable | |
| ES:1. Our natural environment is healthy and supports a rich variety of flora and fauna. | The western side of the site is zoned C2 and supports a rich variety of flora and fauna. It is protected by an existing koala fence and a 6m wide fire trail, with a 25m APZ buffer. A 5m wide C3 Environmental Management zone is proposed on the R1 land adjoining the C2 zone. The rezoning of the R1 part of the site to R3 will not materially impact the natural environment on site. |
| ES:2. The impact of our built environment on our natural environment is minimised. | The eastern half of the site is already zoned R1 and it is proposed to rezone this to R3, the impact of the built environment on the natural environment will not be materially impacted by this proposed rezoning. The built environment will be separated from the C2 zone by an existing koala fence and a 25m APZ buffer. A 5m wide C3 Environmental Management zone is proposed on the R1 land adjoining the C2 zone. The existing measures including the fire trail and koala fence, together with the proposed C3 buffer, minimise the impact of the built environment on the natural environment. |

| Resilient | |
|---|--|
| R:1. We respect one another and participate fully in community life. | The proposed rezoning to R3 Medium Density will encourage community participation by creating more accommodation directly adjacent to public spaces. Residential accommodation in walking distance of commercial public spaces, beaches and parks, encourage residents to walk, socialise and participate in community life. |
| R:2. We are resilient in the face of adversity and change. | The proposed rezoning to R3 is a positive change for Lake Cathie. |
| R:3. We are a safe and healthy community. | The site is safe in location and condition and promotes health in the community by discouraging driving and encouraging walking and socialising. |
| Liveable | |
| L:1. We have well-planned and liveable communities. | The site location is perfect for liveability given the services nearby and amenity values of the site. The future development of the site will be well planned to capitalise on the significant amenity of the site and outdoor areas nearby. |
| L:2. We have housing that meets our needs and is well-serviced by sustainable infrastructure. | <p>The housing mix in Lake Cathie is currently dominated by detached dwellings. There are limited apartments in Lake Cathie and those available are in older, small buildings. The proposed R3 zoning and future apartment buildings will provide a form of housing that better meets the needs of Lake Cathie. The fastest growing family types in Lake Cathie in future are expected to be older single people and older couples. These household types are more likely to reside in apartment developments than larger families with children.</p> <p>The site is well serviced by sustainable infrastructure. All infrastructure is available in the vicinity of the site, including recycled water. Connections to the existing services are possible and addressed in the concept servicing strategy at Appendix I. The site is also well serviced by the existing road network, which has capacity for the future development, as well as by public transport and the active transport network.</p> <p>Lake Cathie is a popular holiday destination with limited tourist accommodation. The proposed R3 zoning provides opportunity for increased tourist accommodation in conjunction with the residential accommodation.</p> |
| L:3. We enjoy easy access to green and blue spaces and a wide range of active and passive cultural, sporting and recreational activities. | The site is walking distance to Lake Cathie Beach and Lake Cathie Community Centre Reserve which includes a playground. The site is 1km walk to Lake Cathie Foreshore Reserve and 1.8km from Lake Cathie Football Field. Lake Innes, Queens Lake, Jolly Nose and Grants Beach are also within proximity of the site. |
| Connected | |
| C:1. We safely and efficiently connect people, goods and businesses within and beyond our region | The site is walking distance from Lake Cathie Village Centre and will allow future residents to safely and efficiently connect with goods and services within the region. There are multiple locations for connections with people including Lake Cathie Community Centre, Lake Cathie Tavern, Bowling Club and various informal public spaces in the area. |

| | |
|--|---|
| C:2. We make more trips by active and public transport | <p>The site has a bus stop on the corner of Ocean Drive and Fiona Crescent, providing easy access to public transport to Port Macquarie and Laurieton.</p> <p>The site has a shareway for pedestrians and bicycles which encourages active transport within the area benefiting from the cycleway, which continues to expand in accordance with Council's PAMP, Bike Plan and RITS.</p> |
| C:3. We connect with each other via technology, ideas and the places we meet | Lake Cathie has a number of public and private places for future residents to connect with the community. |
| Thriving | |
| T:1. We have a thriving, diverse and sustainable economy | The proposal will have a positive impact on the local economy of Lake Cathie by increasing the number of residents and visitors to the shopping centre. |
| T:2. Our centres, main streets and village hubs are prosperous and vibrant | The proposed rezoning to medium density residential will increase the number of residents and therefore the prosperity of the Lake Cathie Village Centre, community centre and other public places. |
| T:3. Our businesses and workers are able to meet their potential | The proposed increase in density and in resident numbers will improve the ability of businesses in Lake Cathie to meet their potential. |

3.4.5 PMHC Living and Place Strategy 2024

The priorities of the strategy are:

1. Infrastructure which supports growth.
2. Deliver diverse housing.
3. Deliver liveable and connected neighbourhoods and communities with distinctive character.
4. Create neighbourhoods which are safe, sustainable and resilient to natural hazards.
5. Locate residential development in well-planned growth precincts and infill areas.
6. Increase availability of affordable housing.

The proposal satisfies the priorities by meeting objectives as follows:

- The site has the benefit of existing infrastructure in the vicinity including all utilities and regional road connectivity. This is a sustainable outcome for optimising existing infrastructure use. New infrastructure connections are required in accordance with the submitted concept servicing strategy.
- The Strategy calls for 40% of approved residential development to be medium or high density. This would not be possible to achieve on this site should the zoning remain R1. The future residential use of the site will provide a diverse housing offering. Lake Cathie housing offering is currently dominated by R1 zoned single dwellings. The R3 zoning and concept apartment building will contribute to a mix of housing that satisfies community needs and expectations.
- The site is located immediately adjacent Lake Cathie Village Centre and walking distance to Lake Cathie Beach and park. Ocean Drive provides a road connection to Port Macquarie and Laurieton via private vehicle or public transport.
- The site is in a safe and sustainable location. Future housing will be environmentally sustainable and in compliance with NCC and BASIX requirements.

- The site will contribute to the current incremental growth of the community.
- Future residential use will contribute to the existing safe neighbourhood. The site is not particularly susceptible to natural hazards.
- The site is located within a well-planned growth precinct. The site has been vacant with no use planned or attractive under the MU1 zoning. The proposed R3 zoning will allow for expanded residential uses of the site.

3.4.6 PMHC Local Housing Delivery Plan 2024

The Housing Delivery Plan states that Bonny Hills and Lake Cathie require 1,759 additional dwellings by 2046. The largest increases in household types in Bonny Hills and Lake Cathie are expected to be couple families with no children and lone person households. These household types are well suited to medium density residential development as proposed under the R3 zoning.

The proposed R3 zoning will contribute to the delivery of more housing on the site than could be achieved under the current R1 zoning. The R1 zone development standards are restrictive to the yield outcome.

3.4.7 PMHC Affordable Housing Plan 2024

The future development of the site is unlikely to constitute affordable housing. However, the future apartment development will provide greater housing choice in Lake Cathie, which is a positive in terms of housing affordability, as apartments are typically lower cost compared to detached dwellings.

3.4.8 PMHC Bike Plan 2015

The subject site adjoins a shared pathway, which extends along Ocean Drive. The centralised location of the site and proximity to other supporting services makes it an appropriate location for active pedestrianised modes of transportation.

The Bike Plan has not yet been comprehensively implemented in Lake Cathie. Noting the proposed routes on Bike Plan 2015 and later iterations published under Council's webpage in 2021, 'Buses, bikes and walking', there are several proposed share ways which would further connect the subject site to nearby areas. This includes better linkage to the northern shopping district in Lake Cathie, the Catarina Hilltop Village, Rainbow Beach (including proposed commercial precinct), and further connection to Bonny Hills to the south.

Recreational cycling is also available within the area, with the road to the Jolly Nose Mountain Bike Park north-west of the site connected by a mix of cyclist-friendly road shoulders and dedicated pathways. Furthermore, Bike Plan 2015 also notes a proposal to expand Ocean Drive as it links Lake Cathie to Port Macquarie by providing a shoulder, better facilitating recreational cyclists into Port Macquarie.



Figure 14: Lake Cathie – Bonny Hills Bicycle Network 2015

3.4.9 PMHC Draft Road Corridor Strategy

The site is located on the Ocean Drive Corridor identified in the Strategy. There will be no material impact to Ocean Drive as a result of the rezoning and the medium density use of the site will provide the opportunity to reduce the number of driveway accesses to Ocean Drive compared to the existing eleven residential lots. This is a beneficial outcome for the Ocean Drive Corridor.

The site is in Section 5 of the strategy. Action 5.2 is to provide crossing facilities on Ocean

Drive specifically around Fiona Crescent in the short term. Future residents of the site would benefit from this and the proposed strategy is supported. The proposed rezoning will not impact on the ability of Council to implement the strategy.

3.4.10 PMHC Planning Proposal Policy

The Planning Proposal Policy amended April 2023 establishes Council's process and the requirements for the submission of planning proposals. This proposal considers all relevant matters and all necessary supporting studies have been submitted in support. It is noted that the current version of the policy does not include Section 3.6 as specified in Council's pre lodgement minutes.

3.4.11 PMHC Biodiversity Management Strategy 2019-2030

The site is 283m from the Lake Innes Nature Reserve to the west as shown on Council's Biodiversity Strategy Map (**Figure 15**). The site is also mapped on the Biodiversity Values Map.

The objectives of the strategy are:

- 1. Maintain and improve biodiversity and ecological processes by protecting, rehabilitating and managing native vegetation across all land tenures, particularly those areas with high biological values.*
- 2. Promote landscape connectivity to help biodiversity conservation and reduce climate change impacts (such as rising sea levels, increased drought, fire, flood events).*
- 3. Contribute to identifying and mitigating threats acting on biodiversity values.*
- 4. Provide targeted actions to protect and assist the recovery of biodiversity across all ecosystems.*
- 5. Improve awareness of the importance of biodiversity conservation and ways this can be achieved.*
- 6. Work cooperatively with regional, state and federal stakeholders on biodiversity conservation initiatives.*

The proposal complies with the objectives as follows:

- The existing native vegetation on the site in the C2 zone is already protected by a koala fence and fire trail. This will ensure that when building occurs on site there will be no incursion of materials or vehicles into the C2 zone. A 5m wide C3 Environmental Management zone is proposed on the R1 land adjoining the C2 zone, with additional plantings as recommended by the ecologist.
- The proposed rezoning will not reduce the landscape connectivity from the C2 zone on the western half of the site to Lake Innes Nature Reserve.
- Mitigation of threats to biodiversity has already been made on the site by the construction of the koala fence between the existing C2 and R1 zones. This will encourage koalas and other fauna to remain in the C2 zone. The proposed 5m wide C3 buffer on R1 further supports habitat management and ecological transition.
- Construction of the koala fence was a targeted action to protect the biodiversity in the C2 zone. The 5m wide C3 buffer on R1 ensures ongoing protection and management as per the consulting ecologist's recommendations. The fire trail within C2 does not have high environmental value, and the proposal does not require any clearing in the C2 zone or west

of the koala fence.



Figure 15: Biodiversity Values Map

3.4.12 PMHC Infrastructure Strategy 2022-2042

The proposed spot rezoning does not require the construction of any new infrastructure, nor will it materially alter the level of use of existing infrastructure. The proposal will make sustainable use of existing infrastructure in the surrounding area.

3.4.13 PMHC Regional Integrated Transport Strategy (RITS) 2022-2042

The vision for the RITS is:

“We have a well connected, safe, accessible and sustainable transport system that helps create great places, positively contributes to the health and wellbeing of our community and a strong economy, while protecting our natural environment and the unique character of our towns and villages.”

The site is located on Ocean Drive which is a regional road providing a direct link to Port Macquarie, Laurieton and beyond. The immediate area has an active car free transport network, with a path on Ocean Drive for active transport trips to other centres. The proposal will not have a material impact on regional transport or the methods of movement accessed. The site is ideally situated to encourage car free transport methods, Lake Cathie Village Centre is a short walk away to satisfy daily needs. The proposal is considered to satisfy the following desired outcomes of the RITS:

- *Easier living for all*
- *Improved health and wellbeing*
- *Safer travel*
- *Increased prosperity*
- *A cleaner, greener environment*
- *Improved resilience*

- Value for our community.

The proposed density increase on a perfectly situated site is beneficial for achieving the outcomes of the RITS. The Traffic and Access Assessment Report at **Appendix E** considers the impact to the transport network in detail.

3.4.14 PMHC Pedestrian Access and Mobility Plan 2015

The site has existing shareway to Ocean Drive which connects to Lake Cathie Village Centre and footpath to the Fiona Crescent frontage. The pedestrian infrastructure will be retained. There is no new infrastructure required in the vicinity of the site as per **Figure 16**.



Figure 16: Pedestrian Infrastructure Map – Lake Cathie Village Centre

3.4.15 PMHC Smart Community Roadmap 2020

The roadmap aims to leverage digital technology, data and innovation to improve liveability, sustainability, collaboration and economic opportunities. The proposal utilises data to determine a yield that optimises liveability and sustainability of the site. The economic opportunity facilitated as a result of future development of the site will be beneficial to the community. The location of the site lends itself to delivery of high quality services.

3.4.16 PMHC Waste Services Policy 2024

This policy replaces the Developments, Events and Public Place Waste Minimisation and Management Policy. The proposed rezoning from R1 to R3 will provide potential to facilitate a concept for 200 apartments in future. This number of dwellings will not have a material impact on LGA waste generation or Council waste management. The proposed R3 zoned part of the site is sufficient in size to accommodate separated waste storage and collection on site for all buildings, with circulation space for garbage trucks.

3.4.17 Bushfire Risk Mitigation on Public Land Policy

The nearest public land is the reserve to the southwest containing the Lake Cathie Community Centre and Playground.

The objectives of this policy are:

- To provide direction for assessing and managing bushfire risk on Council owned or managed land.
- To minimise the risk to life and property in the event of a fire on Council controlled land;
- To create appropriate defensible spaces for firefighting crews in the event of a fire on Council controlled land;
- To preserve and manage existing bush land areas while maintaining or improving their ecological health during and after works are completed;

A 5m wide C3 Environmental Management zone is proposed on the R1 land as a buffer between the C2 and proposed R3 zones. The existing 6m wide fire trail within the C2 zone remains unchanged and does not contain significant environmental or biodiversity values. The bushfire risk to the reserve is not increased as a result of the proposed rezoning. The Strategic Bushfire Study (Appendix D) indicates that a 25m APZ is required between the C2 zone hazard on the site and any future residential development. In the event that a fire occurred in the Council reserve, there is no separation between the Council reserve and vegetation on site. There would be a 25m APZ from the vegetation on site to any future residential development.

3.4.18 Contributions Plans

Any future development of the site will be subject to Council's existing suite of Contributions Plans. Contributions will be charged based on the number of dwellings approved on the site. Water and sewer contributions will also be charged based on the number of ETs. The site is not located in an urban release area and there is no State VPA applicable.

The site has eleven existing R1 zoned lots which are of adequate size for a dwelling to be permissible and Council has previously confirmed that a contributions credit for the existing eleven lots will apply. The remaining eleven lots are undersize for a dwelling.

3.4.19 PMHC Social Impact Assessment Policy 2022

The policy states that an SIA should be carried out where a change in housing choice, shopping and impact on employment opportunities will occur. The proposal rezoning from R1 to R3 will allow the site to support up to 200 apartments. The proposal will have a positive but not material impact on the Lake Cathie Shopping Village and other services in the area. The proposal does not alter employment land but instead increases residential density to support adjacent employment land. The social impact as a result of the proposal will be generally positive. The proposed housing type is not out of character with the surrounding area and is not a type that raises concern regarding anti-social behaviour. In this instance, the impact is considered immaterial, and an SIA is not necessary.

3.4.20 Sustainability Policy

The proposed rezoning will allow for residential use of a site for medium density accommodation. R3 medium density accommodation is more sustainable than R1 low density accommodation types. The sustainability principles 1 (Intergenerational equity), 2 (social equity, wellbeing and inclusion) and 4 (commitment to sustainable economic development) are considered to be satisfied by the proposal.

3.4.21 PMHC Community Participation Policy 2019

The Community Participation Policy Table 1 contains information regarding community participation in LEPs in accordance with the Act. Should Council choose to proceed with the proposal the policy will be followed.

3.4.22 PMHC Recreation Action Plan 2023-2028

The Rainbow Beach Sports Fields are underway for Lake Cathie/Bonny Hills. The proposed rezoning will not generate a need for any additional new sporting facilities.


3.4.23 Port Macquarie Hastings Local Environmental Plan 2011


The relevant LEP sections have been considered in **Table 5**.

Table 5: LEP 2010

| Section | Comment |
|--|---|
| 2.2 Zoning of Land to Which Plan Applies | <p>The site is currently zoned R1 General Residential and C2 Environmental Conservation. The proposal is to rezone the 95% of the R1 portion of the site to R3. A 5m wide C3 Environmental Management zone is proposed on the R1 land as a buffer between the proposed R3 and the existing C2 zones. The existing 6m wide fire trail within the C2 zone remains unchanged. Land immediately to the north of the site is zoned E1 and land to the south is zoned RE1. The majority of land surrounding the site is zoned R1, with C2 zoned land beyond to both the east and west on Lake Cathie Beach and Lake Cathie itself. Refer to Figure 3.</p> <p>There are other business and retail centres in Bonny Hills which are complemented by R3 Medium Density Residential zoning. Refer Figures 5 and 6. These business zones are newer and Council saw merit in locating business and R3 zoned land in conjunction with one another. It is proposed that the existing older E1 zone warrants support with R3 zoned land also. The increased density proposed on the site will have a net positive effect on the E1 zone by increasing economic and social activity in the area.</p> <p>The proposed rezoning from R1 to R3 and associated uplifts in height and FSR will result in a superior zoning outcome for the site.</p> |

| | |
|---|---|
| <p>2.3 Zone Objectives and Land Use Table</p> | <p>The existing R1 zone objectives are:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community.</i> • <i>To provide for a variety of housing types and densities.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>The proposed R3 zone objectives are:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a medium density residential environment.</i> • <i>To provide a variety of housing types within a medium density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>The proposed future use of the site will satisfy the R3 zone objectives.</p> <p>It is proposed that part of the C2 zone containing the 6m wide fire trail is zoned C3 and 5m of the R1 zone is zoned C3.</p> <p>The C2 zone is for “<i>land with very high conservation value</i>” as per the LEP Practice Note “Preparing LEPs using the Standard Instrument”. The fire trail does not have very high conservation value and is therefore not best suited to C2 zone and should be C3.</p> <p>The LEP Practice Note Preparing LEPs using the Standard Instrument: standard zones states: “It is anticipated that many councils will generally have limited areas displaying the characteristics suitable for the application of the E2 zone. Areas where a broader range of uses is required (whilst retaining environmental protection) may be more appropriately zoned E3 Environmental Management.” And “This zone (C3) might also be suitable as a transition between areas of high conservation value and other more intensive land uses such as rural or residential.”</p> <p>Therefore, the fire trail is a transitional area and best suited to C3.</p> |
| <p>2.6 Subdivision – Consent Requirements</p> | <p>Subdivision will be proposed under a future DA and is permissible in all zones.</p> |
| <p>4.1 Minimum Subdivision Lot Size</p> | <p>The site is not currently subject to a minimum lot size. As part of the R3 zoning, it is proposed to impose a minimum lot size of 1,000m² to the R3 part of the site. Refer Figure 22. The proposed MLS is in accordance with other R3 zones in Bonny Hills.</p> |
| <p>4.3 Height of Buildings</p> | <p>The site is currently subject to an 8.5m building height limit. Refer to Figure 24. It is proposed to increase the building height limit to 14.5m in conjunction with the proposed R3 zoning. The proposed height limit is in accordance with other R3 zones in Bonny Hills.</p> |
| <p>4.4 Floor Space Ratio</p> | <p>The site is currently subject to a 0.65:1 FSR. Refer to Figure 26. It is proposed to increase the FSR to 1.5:1 in conjunction with the proposed R3 zoning. The proposed FSR is in accordance with other R3 zones in Bonny Hills.</p> |

| | |
|--|--|
| <p>5.10 Heritage Conservation</p> | <p>An AHIMS search (Figure 6) did not identify any items of Aboriginal heritage significance on the site or in the vicinity.</p> <p>Disturbance of the site has previously been approved by Council and completed under DA 2017/715. Stormwater infrastructure and a fire trail were completed and fencing erected. No Aboriginal or European heritage was uncovered during those works.</p> <p>It is considered very unlikely that any heritage would be found on site due to the lack of previous European use and the AHIMS. A heritage report for the site is not considered necessary.</p> |
| <p>5.21 Flood Planning</p> | <p>The site is mapped as being partially within the flood planning area. A flood report has been prepared and is at Appendix H.</p> |
| <p>5.22 Special Flood Considerations</p> | <p>The residential part of the site is outside the mapped flood area. In any case, site has safe and unimpeded evacuation route to Ocean Drive. A flood report has been prepared and is at Appendix H.</p> |
| <p>Part 6 Urban Release Areas</p> | <p>The site is not located in an urban release area.</p> |
| <p>7.1 Acid Sulfate Soils</p> | <p>The site is mapped as being affected by acid sulfate soils (Figure 17). The Acid Sulfate Soils Assessment at Appendix G indicates that a management plan is required and this is provided with the report.</p>  <p>Figure 17: Acid Sulfate Soils Map</p> |
| <p>7.2 Earthworks</p> | <p>Earthworks will be required on the site for future development and consent will be sought under a DA. There are no adjoining properties that would be materially impacted by excavation on the site, subject to standard practices.</p> |
| <p>7.5 Koala Habitat</p> | <p>The site is not mapped as koala habitat in LEP 2011.</p> |

| | |
|---|---|
| <p>7.6 Coastline Hazards</p> | <p>The site is not mapped as subject to coastal erosion under LEP 2010 (Figure 18).</p>  <p>Figure 18: Coastal Erosion Map</p> |
| <p>7.9 Development Subject to Acoustic Controls</p> | <p>The site is not mapped as subject to acoustic controls.</p> |
| <p>7.13 Essential Services</p> | <p>All essential services are available for connection by the site.</p> |

3.4.24 Development Control Plan 2013

PMHDCP 2012 contains controls in Parts B and C relating to the future apartment buildings. The concept proposal is capable of compliance with the applicable controls and with the Apartment Design Guide. Part D9 Lake Cathie – Bonny Hills does not apply to the site.

3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

Assessment and comment of the applicable State Environmental Planning Policies is held at **Appendix B**.

3.6 Is the planning proposal consistent with the applicable Ministerial Directions (s9.1 directions)?

The proposal is consistent with applicable Ministerial Directions. Detailed assessment is contained in **Appendix C**.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

A Preliminary Ecological Assessment Report is at **Appendix F** which concludes:

“The site is substantially clear of biodiversity values except for the retained koala feed trees along the western boundary. These trees are subject to some duress – presumably since the clearing of the surrounding vegetation. These trees were previously mapped as PCT 1230: Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and Northern Sydney Basin Bioregion. They were not mapped as part of an Endangered Ecological Community. Their retention under DA2017/715 was for their value as koala feed trees. In their current state, the vegetation on the R1 site would not be considered to have significant value as koala habitat and a food source due to their declining condition.”

There is no likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposed rezoning from R1 to R3 and accompanying development standards changes.

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

3.8.1 Development Adjacent to National Parks and Wildlife Service Lands

Council’s Natural Resource Management Team requested that the proposal consider the guidelines for development adjacent to national parks and other reserves. The link provided indicates that the document appears to be called “Development Adjacent to National Parks and Wildlife Service Lands” dated August 2020. Section 1.3 “Applying the Guidelines” states that the document applies to land adjoining or in the vicinity of land managed by NPWS. Consent authorities are required to consider the following and their impact on NPWS land:

- erosion and sediment control
- stormwater runoff
- wastewater
- management implications relating to pests, weeds and edge effects
- fire and the location of asset protection zones
- boundary encroachments and access through NPWS lands
- visual, odour, noise, vibration, air quality and amenity impacts
- threats to ecological connectivity and groundwater-dependent ecosystems
- cultural heritage
- road network design and its implications for continued access to the park.

According to the NSW Planning Portal Spatial Viewer layer “National Parks and Wildlife Service Estate” there are two areas within the vicinity of the site. These are Lake Innes State Conservation Area and Queens Lake State Conservation Area as shown in **Figure 19**. The site is 2km and 2.7km from these sites respectively. The separation is considered adequate to ensure that no impact is made to the NPWS Estate as a result of the proposal.

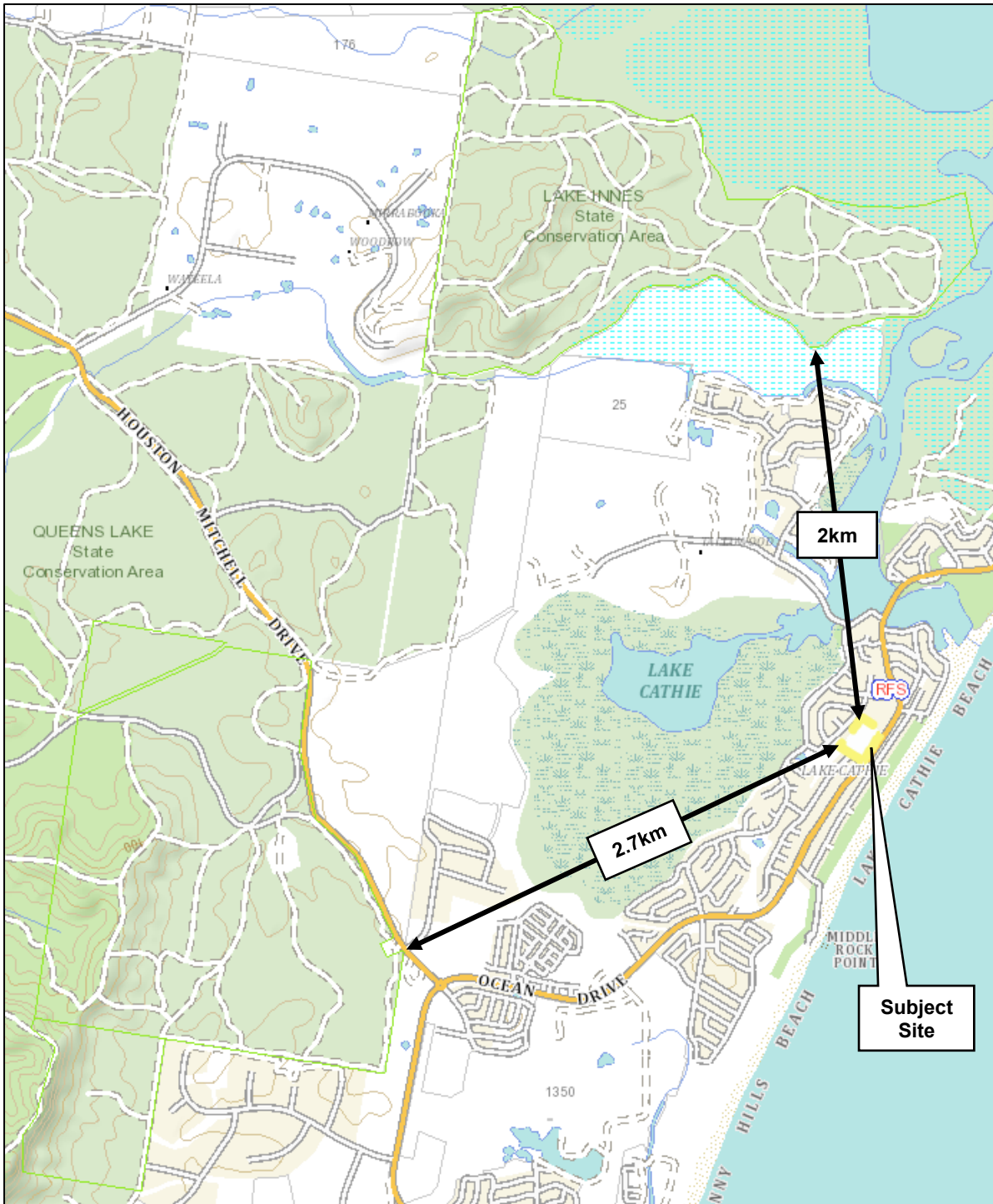


Figure 19: NPWS Estate

3.8.2 Watercourses

There are no mapped watercourses on or in the immediate vicinity of the site (Figure 20). The draft Servicing Strategy at Appendix I considers the capture and treatment of stormwater

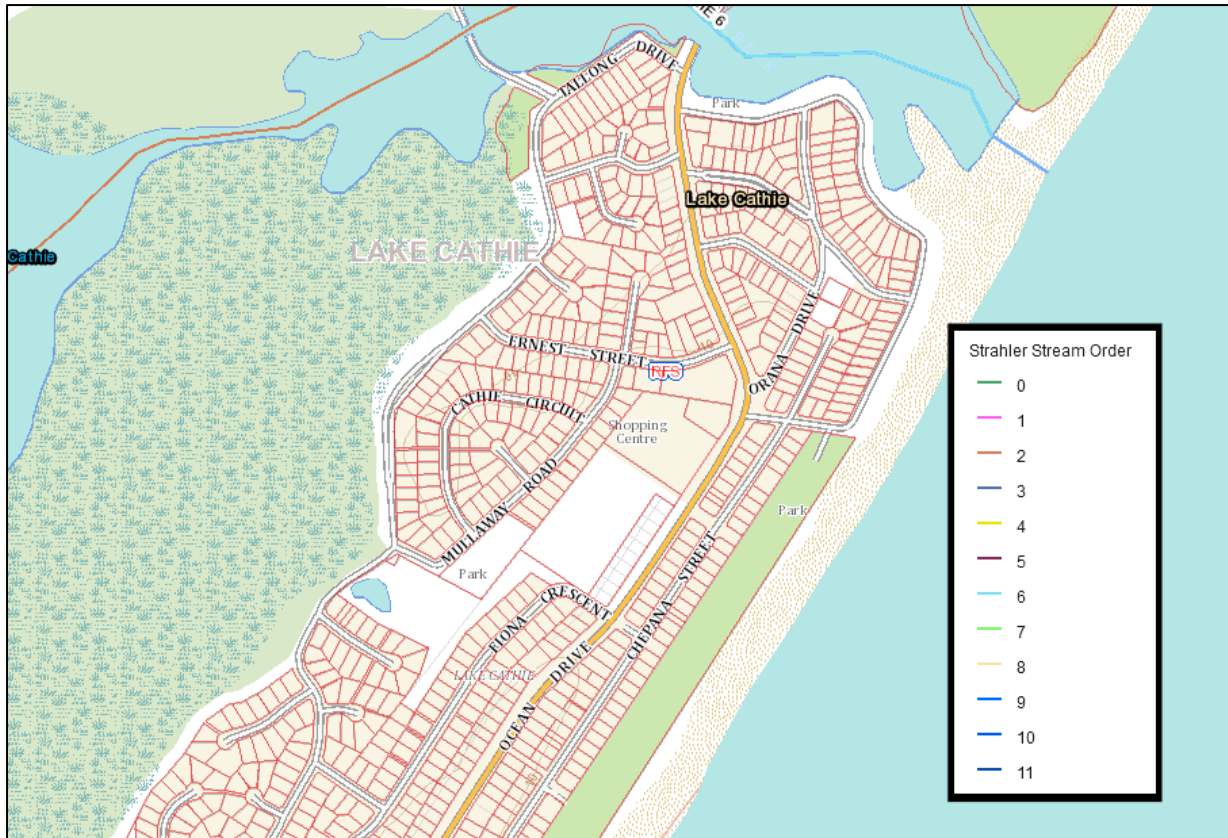


Figure 20: Mapped Watercourses

3.9 Has the planning proposal adequately addressed any social and economic effects?

3.9.1 Social Effects

Lake Cathie is characterised by single dwellings and has a median house price of \$880,000. There are very few apartments in Lake Cathie, with most being older and in small buildings. There are a few newer multi-dwelling developments, however these are also limited. Lake Cathie is in need of a positive contribution to the dwelling mix and the proposed R3 zoning and future apartment development is perfectly placed to deliver this.

The site is immediately adjacent to Lake Cathie Village Centre and walking distance to the beach and park, meaning future residents of the site will have a very high amenity and walkability.

The proposed R3 zone does not share any immediate boundaries with R1 zoned land. There will not be a material amenity impact to any surrounding property in terms of noise, solar access or privacy.

Increased economic activity in Lake Cathie Village Centre will be a beneficial social effect of the proposal. The Centre is dated and a rejuvenation as a result of an injection of customers could be a net positive social effect.

The social effect of the development will be an overall positive for Lake Cathie.

3.9.2 Economic Effects

The Lake Cathie Village Centre is located immediately to the north of the site. The Centre contains the following businesses:

- Woolworths supermarket.
- Lake Cathie Tavern.
- Service station.
- Multiple food and drink premises.
- Real estate agent.
- Dentist.
- Newsagent.
- Various other specialty stores.

The existing commercial premises will benefit from the economic boost provided by an increase in residents adjacent to the site. Future residents are expected to frequent the village centre on a regular basis. The increase in patronage will be beneficial to the economic vitality of Lake Cathie Village Centre.

SECTION D – STATE AND COMMONWEALTH INTERESTS

3.10 Is there adequate public infrastructure for the planning proposal?

The site is located within an existing urban centre. The following State and Commonwealth infrastructure is within the vicinity of the site:

- Lake Cathie Public School (3.3km away)
- Hastings Secondary College Westport Campus (17.4km away)
- Lake Cathie Ambulance station (1379 Ocean Drive)
- Lake Cathie Rural Fire Service (in Lake Cathie Village Centre)
- NSW Police and NSW Fire and Rescue Service are located in both Port Macquarie and Laurieton.
- NSW State Emergency Service are located in Port Macquarie and Taree.

The increase of 200 dwellings as a result of the proposed R3 zoning will not have a material impact on the existing State infrastructure and additional facilities will not be required.

3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Following consultation with State and Commonwealth public authorities as required, the views will be considered and responded to where necessary.

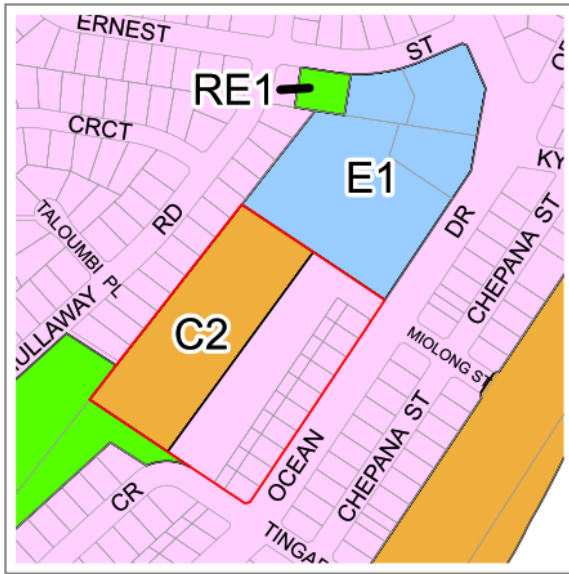
4 MAPPING

The existing and proposed PMH LEP 2011 maps are as follows:

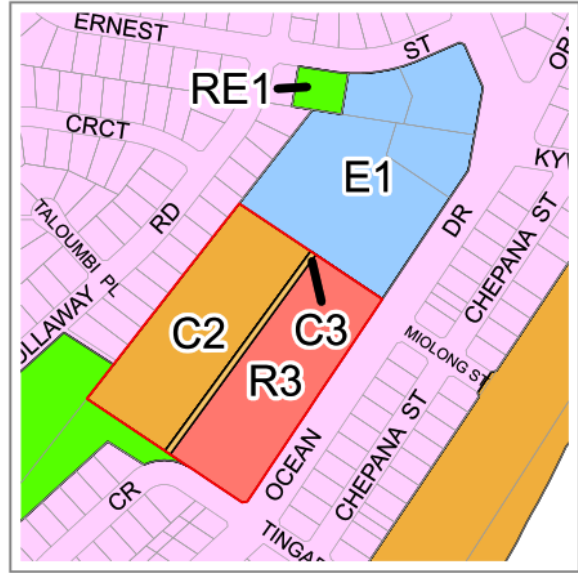


Figure 21: Existing Land Use Zoning Map

Current



Proposed



Zone Codes







| | |
|--|--|
|  R3 Medium Density Residential |  E1 Local Centre |
|  C3 Environmental Management |  R1 General Residential |
|  C2 Environmental Conservation |  RE1 Public Recreation |

Figure 22: Existing and Proposed Land Use Zoning Map

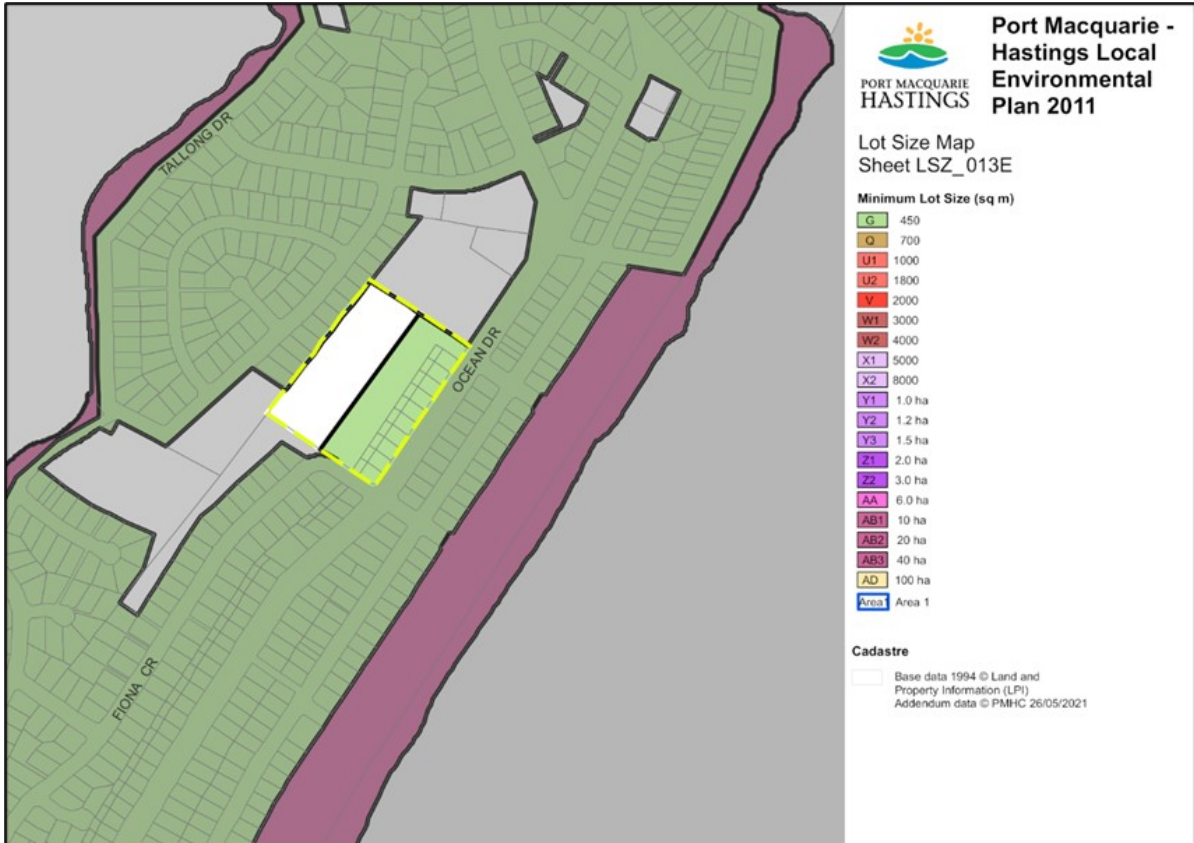


Figure 23: Existing Minimum Lot Size Map

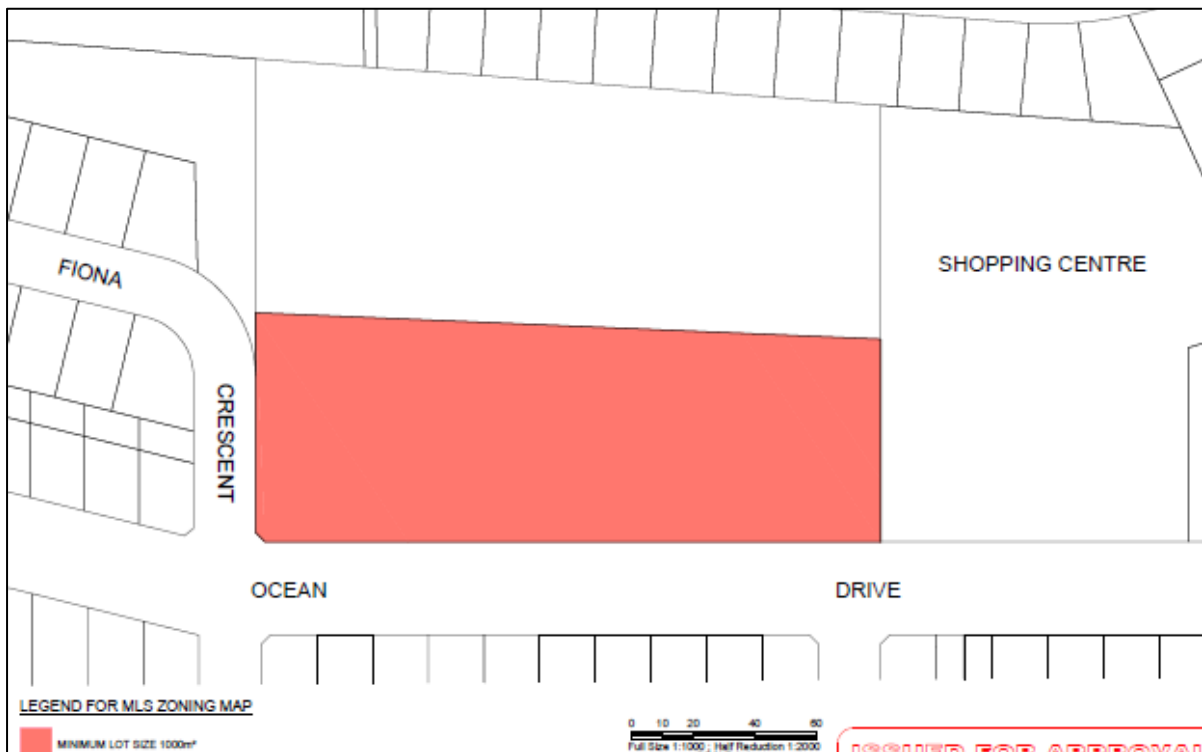


Figure 24: Proposed Minimum Lot Size Map

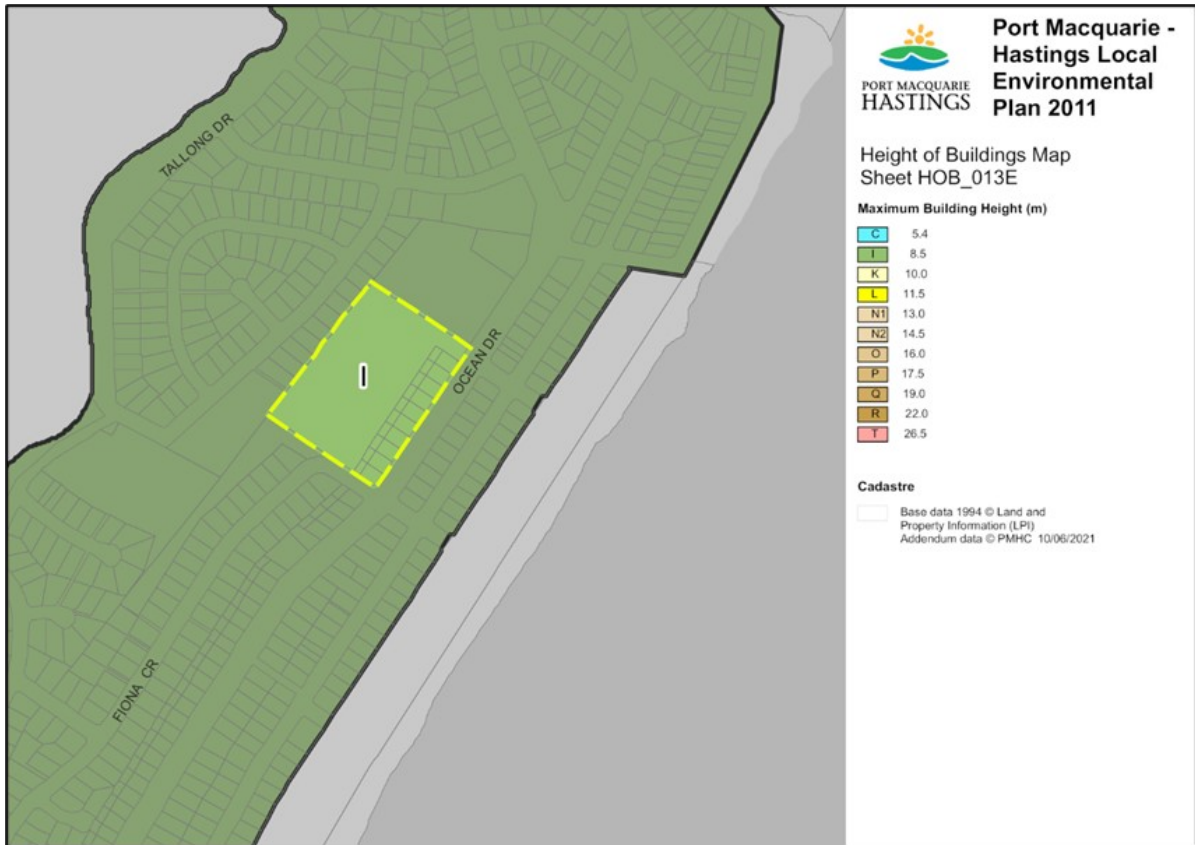


Figure 25: Existing Height of Buildings Map

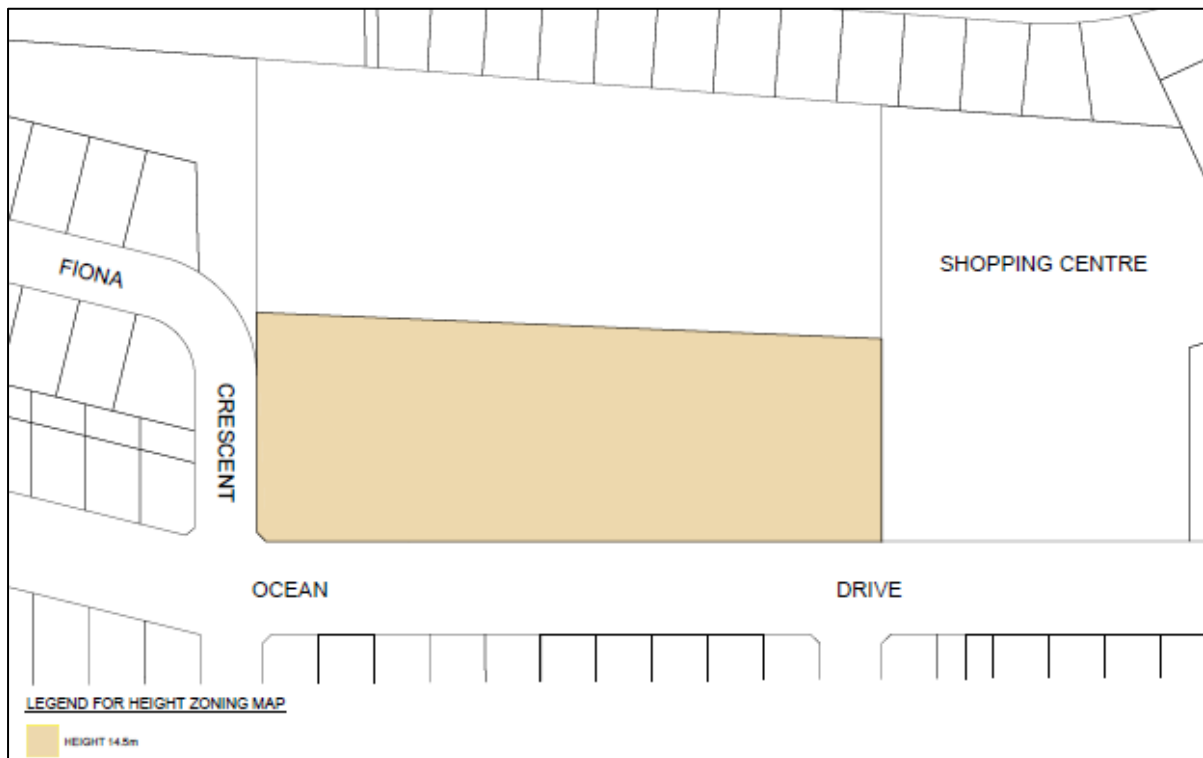


Figure 26: Proposed Height of Buildings Map

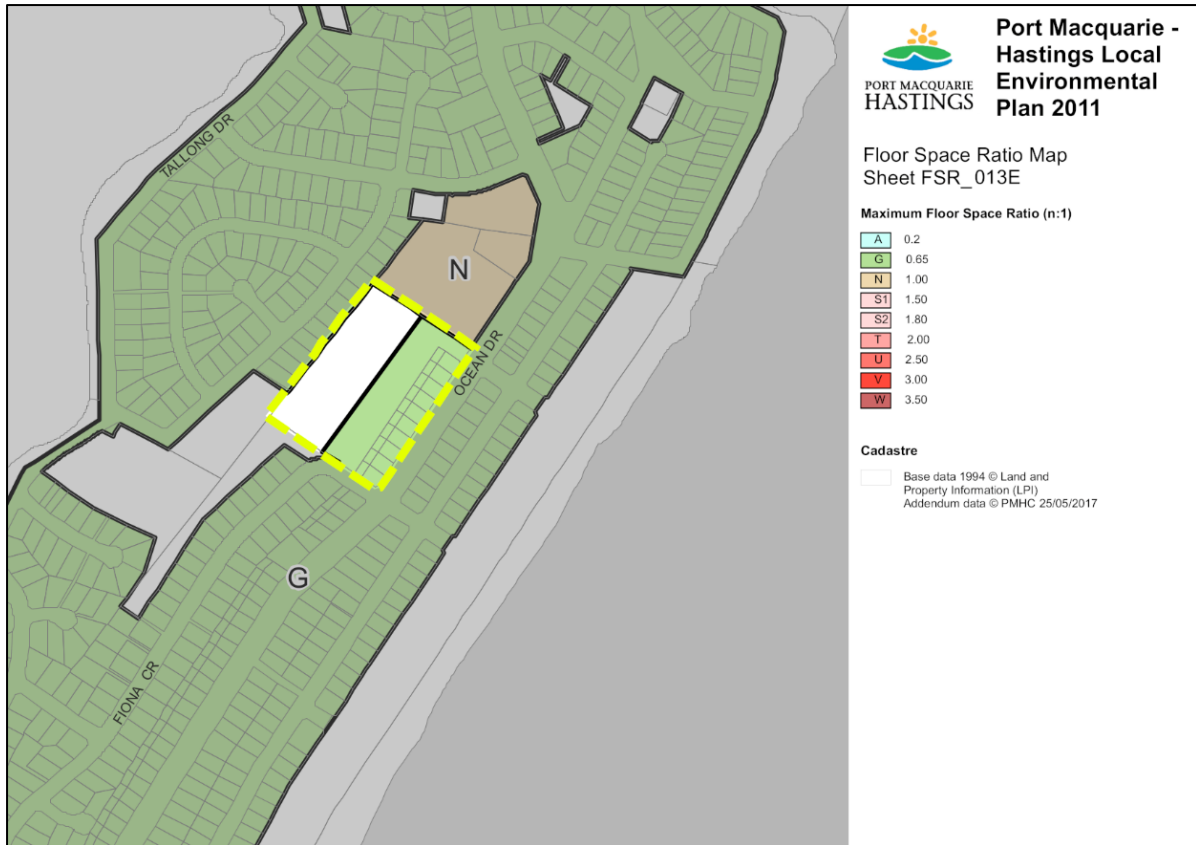


Figure 27: Existing Floor Space Ratio Map

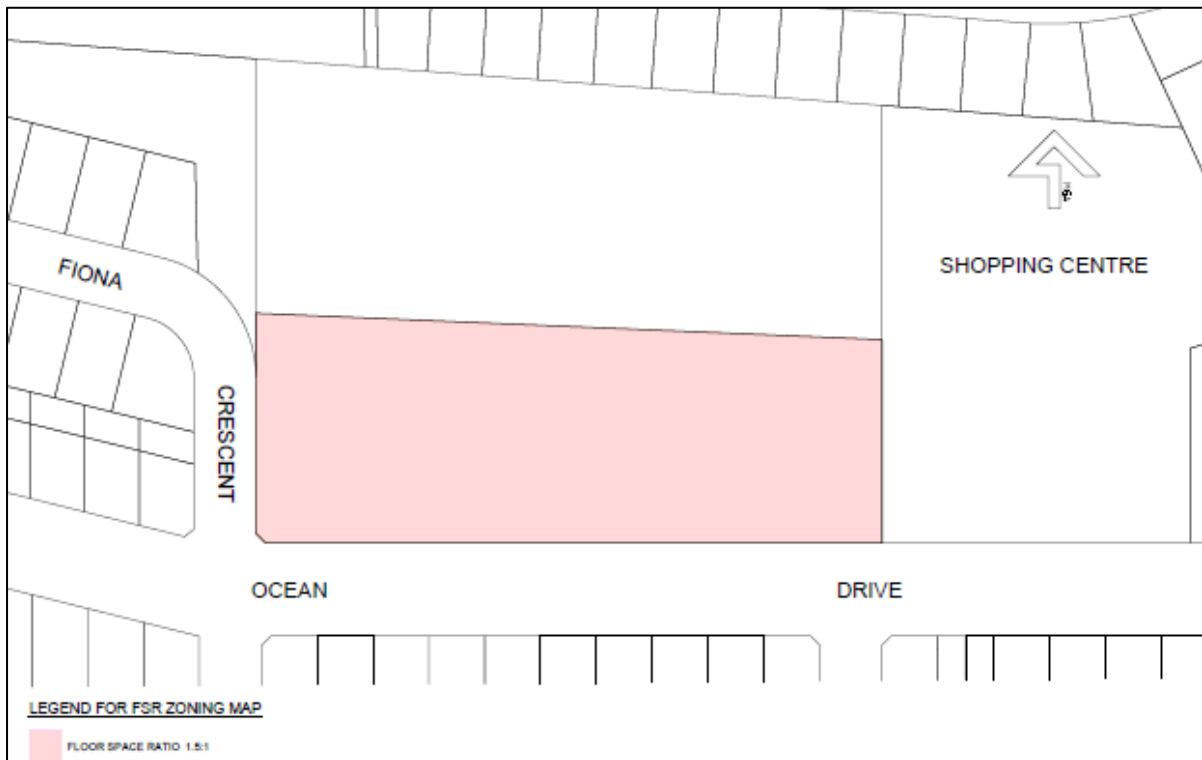


Figure 28: Proposed Floor Space Ratio Map

5 COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with planning proposal statutory requirements, post-Gateway Determination.

6 PROJECT TIMELINE

A preliminary indicative timeframe is in **Table 6**.

Table 6: Project Timeline

| Actions | Estimated Timing |
|--|-------------------------|
| Submit Planning Proposal to Council | September 2024 |
| Planning Proposal considered at Council Meeting | August 2025 |
| Submit Planning Proposal to Department of Planning, Industry and Environment | September 2025 |
| Receive Gateway Determination | November 2025 |
| Preparation of any additional reports or documentation required | December 2025 |
| Public Exhibition | March 2026 |
| Review submissions | April 2026 |
| Submit to DPIE to finalise LEP | June 2026 |
| Plan Made | July 2026 |