

21 May 2026

Our Ref: 7058
Your Ref: PP 2024/13

Mr Robert Fish
Chief Executive Officer
Port Macquarie Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Re: Response to Community Consultation
Attention: Gessika Tame-Crowe, Strategic Planner

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Dear Gessika,

I refer to the public exhibition of PP 2024/13 from 16 March 2026 until 16 April 2026 and your email dated 6 May 2026, which included 148 redacted submissions and Council's summarised list of nine themes derived from those submissions. This submission is provided in response to those public submissions received during exhibition of Planning Proposal PP 2024/13 relating to land at Ocean Drive, Lake Cathie.

1. INTRODUCTION

It is acknowledged that 148 public submissions were received during the public exhibition period. Council Planning team derived nine themes to the objections received. While the level of public interest is noted, many submissions are based upon incorrect factual assumptions, misunderstanding of the planning proposal, or general opposition to future population growth and change within Lake Cathie.

Importantly, the Planning Proposal has already:

- been endorsed by Port Macquarie-Hastings Council Strategic Planning and Councillors,
- been assessed by the NSW Department of Planning, Housing and Infrastructure,
- been found to possess strategic merit, and
- received a Gateway Determination authorising the proposal to proceed.

Both Council and the Department have already concluded that the proposal is strategically justified and consistent with the applicable regional and local planning framework.

The submissions therefore need to be considered within the context of:

- Adopted Council housing strategies,
- The North Coast Regional Plan 2041,
- Council's Local Housing Delivery Plan,
- Council's Urban Growth Management Strategy, and
- The demonstrated need for additional medium density housing within existing serviced urban areas.

2. STRATEGIC CONTEXT

The Planning Proposal directly responds to Council's adopted strategic planning framework, which consistently identifies the need for:

- Increased housing diversity,
- Infill housing,
- Medium density housing,
- Walkable centres,
- Housing close to services, and
- Reduced urban sprawl.

Council's own report expressly states:

"The Planning Proposal is considered to have strategic merit..."

Council further concluded:

"The proposal responds to the need for greater diversity of housing typologies, particularly medium density housing, in proximity to existing infrastructure and services."

The Hopkins Planning Proposal already identified that:

"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."

This is a critical point.

The objections generally seek preservation of the existing low density status quo notwithstanding Council's own strategic policies expressly requiring substantial increases in medium and higher density housing forms.

The issue before Council is therefore not whether Lake Cathie should change. Council's adopted strategic framework already contemplates that change.

The real issue is where appropriately located medium density housing should occur. The subject site is uniquely suited to that purpose.

3. UNIQUE CHARACTERISTICS OF THE SUBJECT SITE

A critical issue overlooked in many objections is the highly unusual physical and planning context of the site.

The Planning Proposal correctly describes the site as:

"...effectively an island separated from the surrounding low density residential and directly adjoining only Lake Cathie Village Centre."

This characteristic fundamentally distinguishes the site from conventional infill redevelopment sites.

The site:

- Fronts Ocean Drive, a classified regional road,
- Directly adjoins the Lake Cathie Village Centre,
- Is separated from most surrounding low density housing by roads, reserves and vegetation,
- Already contains significant cleared areas,
- Already contains approved stormwater and fire trail infrastructure,
- And adjoins substantial conservation land and vegetation areas.

Unlike typical suburban redevelopment sites, the subject land does not sit embedded within an established low density residential block pattern.

It instead functions as a transition site between:

- The village centre,
- Ocean Drive,
- Surrounding environmental land,
- And existing urban development.

Given the large available residentially zoned vacant site area of approximately 4 acres located adjacent to the Lake Cathie Village Shopping Centre with nil adjoining low density residential neighbours, it makes the site the singularly most suited infill opportunity within Lake Cathie capable of accommodating significant numbers of medium density housing with minimal impacts on existing residential amenity.

4. RESPONSE TO SUBMISSION THEMES

4.1. Land Use Intensity and Built Form Capability

4.1.1 Concern that proposed built form (up to ~14.5m) is inconsistent with the low-density residential character of Lake Cathie.

The objections incorrectly characterise the proposal as representing an unreasonable or excessive intensification. The proposed 14.5m building height represents a reasonable height increase compared with the existing 8.5m height limit and is entirely consistent with other R3 zoned land within the broader PMHC LGA, including:

- Seaside Estate, and
- Rainbow Beach Shopping Centre,

both of which contain the same 14.5m height limits and 1.5:1 FSR controls.

The proposal therefore does not create a novel or unprecedented planning outcome.

4.1.2 Views that the scale of development represents a significant intensification relative to existing surrounding development.

The site directly adjoins the commercial centre, fronts a major regional road and is physically separated from surrounding low density neighbourhoods. The “island” nature of the site substantially mitigates built form impacts and the intensity of future development on the site will not have a material impact on the character of development.

Importantly, Council's own assessment expressly concluded:

“The Planning Proposal provides desired residential land for medium density accommodation on a clear infill site, without impacting the amenity or character of the surrounding single dwellings.”

Council's own finding directly contradicts many of the public submissions.

4.1.3 Concerns regarding compatibility with coastal village form and streetscape character.

The coastal village form will not be materially altered as a result of the proposed rezoning and future DA. This development relates only to one site in Lake Cathie and is unlikely to become the predominant development type given the lack of vacant land in Lake Cathie and the large number of single dwellings.

4.2 Residential Amenity Impacts

4.2.1 *Overshadowing of existing dwellings and private open space.*

Claims of substantial overshadowing are similarly exaggerated and inconsistent with the actual site configuration. A number of submissions raise concerns regarding potential overshadowing and reduction in solar access to surrounding residential properties.

These concerns are significantly overstated and do not properly consider:

- the unique physical configuration of the site,
- the substantial separation distances to surrounding dwellings,
- the intervening road corridors and vegetation,
- and the detailed development controls that would continue to apply at the future development application stage.

Importantly, the current Planning Proposal does not approve a building design or building envelope. Any future development application would remain subject to detailed assessment under the Port Macquarie-Hastings Development Control Plan 2013 ("PMHC DCP"), including detailed solar access and overshadowing analysis.

The PMHC DCP adopts a performance-based approach to overshadowing and solar access, generally requiring that development:

- maintain reasonable solar access to adjoining residential properties and private open space,
- minimise unreasonable overshadowing impacts,
- and appropriately respond to site orientation, setbacks, separation distances and surrounding built form.

The key planning consideration is therefore not whether any shadowing may occur, but whether unreasonable overshadowing impacts would arise. In this case, the physical characteristics of the site substantially limit the potential for any overshadowing impacts.

Most significantly:

- the nearest two dwellings fronting the southern side of Fiona Crescent will be located approximately 30 metres from any future building envelope on the subject site; and
- dwellings fronting the eastern side of Ocean Drive will be separated from the site by approximately 42 metres to their front facades.

It is self-evident that a 14.5m building will not cast shadows impacting the front of houses located between 30-42m away. These are very substantial urban separation distances in the context of medium density development.

Importantly, the principal private open space areas (rear yards) of the dwellings fronting Ocean Drive and Fiona Crescent are located behind those dwellings and screened from the rezoned site. The site is therefore fundamentally different from a conventional suburban infill redevelopment scenario involving direct boundary to boundary residential interfaces.

Further:

- Ocean Drive itself creates a substantial separation corridor;
- Fiona Crescent similarly creates spatial separation; and
- existing vegetation and conservation land provide additional filtering and screening; and future development would still be subject to setbacks, articulation, landscaping and building design controls at the DA stage.

It is also important to recognise that portions of the adjoining conservation vegetation already exceed the likely height of future built form.

The “island” nature of the site therefore materially reduces potential overshadowing impacts to effectively NIL when compared with a typical medium density redevelopment site embedded within an established low density residential block pattern.

Accordingly, there is presently no evidence that the Planning Proposal would result in unreasonable overshadowing impacts inconsistent with the PMHC DCP or accepted urban planning principles.

Rather, the substantial separation distances, intervening road corridors and surrounding vegetation confirm that the site is unusually well suited to accommodating medium density development while maintaining surrounding residential amenity.

A review of each boundary interface follows:

- Northern Boundary (Woolworths Shopping Centre)
 - Adjoins the Lake Cathie Shopping Centre
 - NIL impact for overshadowing or privacy loss to residents
- Western Boundary (C2 Environmental Conservation)
 - Adjoins 4 acres of C2 Environmental Management on same title which in turn adjoins Council’s Mullaway Reserve,
 - C2 land is being actively rehabilitated under strict consent conditions which also provide for koala fencing and fire trail to protect the area
 - NIL impact for overshadowing or privacy loss to residents
- Eastern Boundary (Ocean Drive)
 - Adjoins western side of Ocean Drive and faces the front yards of houses on the eastern side,
 - The houses themselves will effectively screen their own private outdoor spaces on the eastern side of the houses,
 - Allowing for PMHC DCP minimum 6m front setback from a classified road (Ocean Drive), the existing road reserve and setbacks of residences on the eastern side of Ocean Drive, there will be minimum 42m separation.
 - NIL impact for overshadowing or privacy loss to residents
- Southern Boundary (Fiona Crescent)
 - Adjoins northern side of Fiona Crescent and faces the front yards of houses on the southern side,
 - There are two only houses facing the site,
 - Allowing for PMHC DCP minimum setbacks and the existing road reserve the side of any new development on the rezoned site will have minimum 28m separation from the two existing houses.

4.2.2 Overlooking and perceived loss of visual privacy, particularly from upper storeys.

Many submissions overstate potential impacts relating to overshadowing, privacy and overlooking.

The site is surrounded by:

- Ocean Drive,
- Fiona Crescent,
- shopping centre land,
- vegetation,
- conservation land,
- and public reserve areas.

This is not a conventional “backyard interface” scenario.

The proposed additional height limit will have minimal practical impact upon adjoining residences due to:

- separation distances,
- road corridors,
- existing vegetation,
- conservation buffers,
- and the site’s orientation.

Importantly:

- there is no direct adjoining residential interface to the north and west,
- substantial vegetation adjoining the developable area already exceeds the proposed height of future built form, and
- any future development application would remain subject to detailed DCP controls regarding setbacks, articulation, privacy and landscaping.

Further technical analysis including line-of-sight modelling can readily demonstrate that overlooking impacts would be minimal and largely confined to limited upper-storey views.

4.2.3 Perceived reduction in sunlight access during winter periods.

The dwellings on Fiona Crescent are 30m from the future building. The dwellings on Ocean Drive are 42m from the future buildings. The living areas and POS of these properties are to the rear or living areas have openings in multiple elevations. Therefore the material reduction to sunlight below three hours between 9-3 at midwinter to primary living areas and POS is unlikely. It is important to note that the actual reduction must be considered and not just the perception of reduced solar access. The future DA for the site will include shadow diagrams to allow detailed consideration of the solar access impact.

4.2.4 Increased noise and general residential activity associated with higher density.

As mentioned above, the site is 30m from the houses on Fiona Crescent and 42m from the houses on Ocean Drive. Council’s DCP only raises concerns regarding acoustic privacy where openings are within 6m of adjacent dwellings, this distance is significantly exceeded by the future proposal. Given the separation from existing dwellings the increased noise and general residential activity will not create a material amenity impact to existing neighbouring properties.

4.3 Traffic, Access and Transport Capacity

4.3.1 Increased traffic volumes on Ocean Drive and surrounding local streets.

Many submissions suggest that the proposal will create unacceptable traffic impacts or place unreasonable pressure on the surrounding road network.

Those concerns fail to recognise that:

- Ocean Drive is already identified by Council as a major regional transport corridor;
- Substantial upgrades to Ocean Drive are already underway or planned specifically to accommodate future regional population growth; and
- Council's own strategic infrastructure planning expressly anticipates increased development and traffic demand throughout the Lake Cathie and Camden Haven corridor.

Importantly, Port Macquarie-Hastings Council describes the Ocean Drive Duplication project as: "a large-scale, major priority project that is key to building a sophisticated road network for our region."

Council further states:

"Ocean Drive Duplication is a critical project in the future planning of a sophisticated road network to cater for the population and visitor growth expected in our region."

This is highly significant.

The upgrades are expressly intended to:

- Accommodate future population growth,
- Improve regional connectivity,
- Reduce congestion, and
- Support ongoing urban development within the coastal corridor extending from Port Macquarie through Lake Cathie to Laurieton and Kew.

Council's Ocean Drive duplication works include:

- Duplication from two lanes to four lanes,
- Upgraded intersections,
- Pedestrian and cycling infrastructure,
- Upgraded access arrangements, and
- Broader transport network improvements.

Recent reporting regarding the project noted that:

- Traffic volumes were projected to increase substantially by 2036,
- Daily traffic volumes were expected to rise from approximately 15,000 vehicles to more than 26,000 vehicles per day, and
- More than 1,500 additional homes were already planned within the Lake Cathie–Bonny Hills corridor.

These upgrades are therefore not occurring in isolation. They are being undertaken specifically because Council and the State Government already anticipate substantial future growth within the corridor.

Importantly, the subject site is directly fronting Ocean Drive itself — being the region's principal north-south coastal transport corridor — rather than relying solely upon constrained local suburban streets. The proposal is also:

- Directly adjacent to the shopping centre,
- Within walking distance of retail and services,
- Serviced by public transport, and
- Connected to pedestrian infrastructure.

The proposal therefore represents exactly the type of:

- Strategically located infill development,
- Adjacent to major transport infrastructure,
- Close to services, and
- Within an existing urban centre

that contemporary planning policy seeks to encourage.

It is also important to recognise that if medium density housing cannot be appropriately accommodated on:

- A highly accessible “island” site,
- Directly adjoining a shopping centre,
- Fronting a major regional road already being upgraded for future growth,

then it becomes difficult to identify where Council realistically expects its adopted medium density housing targets to be achieved.

The existence of ongoing major public investment into the Ocean Drive corridor materially undermines arguments that Council did not anticipate or plan for future population growth within Lake Cathie. This is precisely the type of location identified in contemporary strategic planning policy as appropriate for medium density infill housing.

The Planning Proposal was supported by a Traffic and Access Assessment Report reviewed through the Gateway process. Neither Council nor the Department determined that traffic issues warranted refusal.

4.3.2 Limited perceived capacity of existing road infrastructure, including access points and bottlenecks.

As discussed above, Council is already planning to upgrade Ocean Drive, which is a major regional transport corridor. Access to the site will be designed at DA stage in discussion with a Traffic Engineer to ensure the function of Ocean Drive is not materially compromised. The preliminary Traffic Report submitted with the Planning Proposal indicates that adequate capacity exists.

4.3.3 Parking demand associated with higher residential yield (including estimates of multiple vehicles per dwelling).

The number of parking spaces required for the future development is dependent on the unit sizes and mix. This will be determined at DA stage. Car parking numbers will be calculated in accordance with relevant legislation and provided accordingly.

4.3.4 Limited public transport availability and reliance on private vehicles.

The increase in residents associated with the future development of the site could only have a positive effect on the public transport offering in Lake Cathie by increasing patronage.

4.3.5 Safety concerns for pedestrians and cyclists.

All proposed driveway entries and exits will be designed in accordance with relevant Australian standards and provide clear sight lines for pedestrians and cyclists.

4.4 Infrastructure Capacity (Water, Sewer, Utilities and Community Services)

4.4.1 Concerns regarding sewer capacity and overflow during heavy rainfall events.

The applicant and Council have completed significant work and discussions regarding sewer capacity available for the site and for other approved developments in Lake Cathie. It has been determined that there is sufficient capacity with no propensity for overflow during heavy rainfall. This will be further detailed at DA stage.

4.4.2 Pressure on water, electricity and drainage infrastructure.

The applicant and Council have worked together to determine that there is sufficient infrastructure to accommodate the requirements of the site. This will be further detailed at DA stage.

4.4.3 Limited capacity of health services (medical centres), schools and retail facilities.

The increased number of residents is only likely to have a positive impact on attracting more medical professionals to Lake Cathie.

NSW Government indicates that Lake Cathie Public School has capacity for 600 students and currently has only 395 enrolments. It is unlikely that any future development would result in a material exceedance of the capacity of the school.

Retail in Lake Cathie will benefit from the future medium density development of the site. All commercial offerings are likely to experience an increase in turnover as a result of a new cohort of residents.

4.4.4 Perception that existing infrastructure is already under strain from recent development.

Many submissions effectively amount to a general objection to population growth within Lake Cathie rather than identification of actual infrastructure constraints. The Planning Proposal has already been supported by:

- Servicing investigations,
- Stormwater strategy,
- Infrastructure assessment, and
- Agency referral processes.

Council's own report concluded there is strategic merit in locating medium density housing: *"in proximity to existing centres and supported infrastructure."*

The proposal represents infill development within an existing serviced urban area. This is precisely the form of development encouraged by:

- North Coast Regional Plan 2041,
- PMHC Urban Growth Management Strategy 2017-2036, and
- PMHC Local Housing Delivery Plan 2024.

If strategically located infill sites with services available and adjacent to existing commercial centres are rejected, Council's ability to achieve its adopted housing targets will be severely compromised.

4.5 Environmental and Ecological Considerations

4.5.1 Potential impacts on adjacent conservation land and koala habitat.

The ecological context of this land is not new. The site has already been the subject of detailed ecological assessment through DA2017/715, which approved subdivision and associated works.

As part of that earlier approval, ecological assessments included:

- Ecological Constraint Assessment and Addendum;
- Vegetation Assessment and Vegetation Management Plan;
- EPBC Act Protected Matters Report;
- Bat Call Identification;
- Koala Feed Tree assessment and health assessment;
- pre-clearance and clearance reporting.

Following the development consent, works have already commenced or been completed, including:

- Fire trail and stormwater management works;
- Implementation of the Vegetation Management Plan, including rehabilitation of the C2 portion and Koala Feed Tree replacement;
- Installation of koala mitigation measures, including koala fencing.

This is important because many objections proceed as though the site is an unmanaged greenfield site. That is incorrect. The site is already subject to a structured ecological approval and management framework.

A number of submissions raise environmental and ecological concerns, including potential impacts on adjoining conservation land, koala habitat, environmental buffers, edge effects, wildlife movement, and stormwater/runoff impacts. Those concerns are acknowledged, but they are not supported by the technical material prepared for the Planning Proposal. The Planning Proposal has been supported by extensive ecological assessment, including the Eco Logical Australia Preliminary Ecological Assessment, Greenloaning Biostudies Koala Assessment Report, prior ecological material prepared for DA2017/715, and the approved Vegetation Management Plan applying to the conservation land.

Critically, the proposal **does not seek to rezone or develop the existing C2 Environmental Conservation land**. The western conservation portion of the site is retained, and Council's recommended additional C3 Environmental Management transition area further strengthens the interface between future residential development and the existing C2 conservation land.

The prior ecological assessment identified that the conservation-significant vegetation is located in the C2 portion of the site, not within the land subject to the R3 rezoning. The C2 land was suffering from weed infestation which has been addressed through rehabilitation as required by the vegetation Management Plan.

Eco Logical Australia recorded that vegetation in the C2 portion qualified as Lowland Rainforest under the NSW Biodiversity Conservation Act and EPBC Act, but that this community "*was not found on the land that is subject to this Planning Proposal.*"

Accordingly, the Planning Proposal adopts the correct planning response:

- Retain and manage the C2 conservation land;
- Strengthen the interface through transition/buffer measures; and
- Direct housing to the already cleared R1/R3 portion of the site.

The Eco Logical Australia assessment confirmed that the Planning Proposal land has already been substantially cleared pursuant to DA2017/715. It stated that in 2022 the majority of the Planning Proposal site was cleared under that approval. It concluded that:

“The site is substantially clear of biodiversity values except for the retained koala feed trees along the western boundary.”

It further stated that the retained 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.”

This directly answers submissions alleging that the rezoning will remove or significantly impact high-value habitat within the proposed R3 development footprint.

The adjacent C2 Environmental Conservation zoned land and koala habitat is separated from the site by an existing koala protection fence. It is proposed to further strengthen this by the creation of a strip of C3 Environmental Management zoned land.

The Greenloaning Koala Assessment Report was prepared specifically in response to Council’s request for a Koala Assessment Report under Chapter 4 of the Biodiversity and Conservation SEPP. It assessed likely and potential impacts of development under R3 zoning on individual koalas, the local koala population and koala habitat.

The results are important.

Greenloaning, the consulting Ecologist, found that site surveys conducted on 4 March 2025:

- Yielded no observations of individual koalas in the trees or fringing C2 vegetation;
- Found no fresh or old koala pellets beneath any tree within the APZ using Standard Spot Assessment Technique surveys; and
- Found that 32 of the 37 surveyed trees were in poor to very poor health.

The report concludes that the overall habitat value of the R1 zone to koalas is “very low” due to poor habitat condition, very low foliage cover, low recovery potential, and expected low nutrient value of eucalypt leaves.

Most importantly, Greenloaning concluded that:

“No additional direct adverse impacts on individual Koalas or the local Koala population are likely from the proposed rezoning and associated higher density development...”

This is a direct technical rebuttal to submissions suggesting the rezoning will materially increase koala impacts.

4.5.2 Adequacy of proposed environmental buffers.

The proposed C3 buffer is adequate to protect the C2 land as advised by the project ecologist and is also separated by a koala fence.

4.5.3 Potential edge effects including shading impacts on vegetation communities.

Submissions also raise concerns about edge effects, including shading, wind exposure, and the adequacy of buffers. The technical material does not support a conclusion that the Planning Proposal creates unacceptable edge effects. To the contrary, the reports identify practical measures to improve the interface. Greenloaning specifically recommends:

- Retaining remaining Koala Feed Trees until they die or become unsafe;
- Erecting additional wind screening along the koala-proof fence;
- Undertaking replacement Koala Feed Tree plantings along the proposed R3 western boundary;
- Planting replacement Swamp Mahoganies at approximately 10 metre intervals;
- Maintaining canopy gaps for OPZ compliance;
- Planting densely foliated smaller native trees between Koala Feed Trees; and
- Incorporating these measures into an updated Vegetation Management Plan.

Greenloaning's separate western boundary recommendations also confirm that a planted strip no less than 5 metres wide would allow replacement Preferred Koala Food Trees while remaining compliant with Outer Protection Zone requirements, and that monitoring and replacement of failed plantings are integral components of the approved VMP.

This demonstrates that the interface is not being ignored. It is being actively managed through a combination of:

- Retained C2 conservation zoning;
- Council's C3 buffer;
- APZ management;
- Koala fencing;
- Targeted replacement planting;
- Wind screening; and
- VMP obligations.

Wind

A further important point is that higher built form may provide ecological benefits by reducing salt-laden wind exposure to the C2 edge. Greenloaning identifies that the decline in Koala Feed Trees is attributable primarily to exposure to coastal salt-laden winds. The Koala Assessment Report states that the proposed higher level of building under the R3 zone would be expected to provide additional physical protection from salt-laden winds to the C2 vegetation.

This is significant because some submissions assume taller built form will necessarily worsen environmental outcomes. The technical evidence suggests the opposite is likely in relation to wind protection for the conservation interface.

Shading

The C2 and C3 zoned land is northwest of the future buildings and will only experience shadow from the future buildings for a short time in the morning. Further, the trees are actually taller than the proposed 14.5m height limit of the building.

4.5.4 Increased wildlife-vehicle interaction risk.

Concerns regarding increased wildlife-vehicle interaction also need to be considered in context. The site already includes koala fencing mitigation measures implemented under the earlier approval. The proposal does not remove the C2 conservation land or create a new unmanaged wildlife corridor through the residential development footprint.

Further detailed design at the DA stage can address:

- Internal access arrangements;
- Fencing continuity;
- Lighting;
- Signage;

- Waste management;
- Pet controls where relevant; and
- Any further fauna movement mitigation considered necessary.

There is no technical basis to conclude that the rezoning itself would create an unacceptable wildlife-vehicle interaction risk.

4.5.5 Stormwater and runoff impact on nearby water systems.

Stormwater and runoff impacts have also been specifically addressed. The earlier DA works included fire trail and stormwater management, and the fire trail and stormwater works have been completed, creating an Asset Protection Zone across Lot 15 DP 557262. The Planning Proposal is also supported by a Stormwater and Servicing Strategy as part of the submitted technical suite.

At the rezoning stage, the relevant question is whether stormwater can be appropriately managed in principle. The technical material indicates that it can. Detailed stormwater design, water quality treatment, erosion and sediment controls, discharge arrangements and construction-stage management would remain subject to future DA assessment and conditions.

The ecological objections do not provide a sound basis to refuse the Planning Proposal. The evidence demonstrates that:

- The ecologically significant C2 land is retained;
- Council has recommended an additional C3 transition buffer;
- The R1/R3 development footprint is substantially cleared;
- The retained Koala Feed Trees within the R1/R3 interface are in poor to very poor condition and provide very low koala habitat value;
- No current or recent koala use of the APZ was recorded in the 2025 survey;
- No additional direct adverse impacts on koalas or the local koala population are likely from the rezoning;
- Koala fencing, koala bridges, APZ management and VMP obligations already apply;
- Additional western boundary planting, wind screening and VMP amendments are available to strengthen environmental outcomes;
- Stormwater and runoff have been addressed through prior works and supporting technical studies.

Accordingly, the Planning Proposal represents a balanced planning outcome: it protects and manages the conservation land while directing much-needed medium density housing to the already disturbed and largely cleared portion of the site.

It is important to note that the Department determined the proposal should proceed through Gateway. That is a highly significant finding.

4.6 Built Form Interface, Height and Transition

4.6.1 Perception that proposed height increases create abrupt transition from surrounding low-scale housing.

The “abrupt transition” criticism ignores the physical characteristics of the site. The subject land is uniquely buffered by:

- Roads,
- Reserve land,
- Commercial land, and
- Vegetation.

The proposed C3 transition zone further softens the interface. The existing vegetation adjoining the western conservation areas will in many locations exceed the height of future development. This significantly reduces visual prominence. Further, detailed built form controls would ultimately be addressed at the future development application stage. The current Planning Proposal merely establishes an appropriate strategic planning framework and provides a concept design.

4.6.2 Concerns about lack of step-down or transitional design between zones.

The proposed transition from the surrounding 8.5m building height standard to 14.5m is appropriate in consideration of the separation of the site from any surrounding buildings. Properties on Fiona Crescent are 30m from the site, properties on Ocean Drive are 42m, to the rear is Council reserve and to the northeast is the shopping centre car park. The transition between building heights will not result in a material impact to any surrounding property.

4.6.3 Visual dominance of taller buildings when viewed from adjoining properties and public domain.

Due to the separation from existing buildings the potential for visual dominance is appropriately managed by setbacks from adjoining properties. Further, high quality architectural design and materials, combined with landscaping, will combine to create a visually appropriate development.

4.7 Character, Identity and Desired Future of Locality

4.7.1 Lake Cathie described as a “coastal village” with low-density residential character.

Many submissions rely heavily on broad statements regarding “village character”. We appreciate many residents oppose change. However, character cannot be considered in isolation from Council’s adopted strategic housing obligations. Council’s adopted strategic policies expressly seek:

- Increased housing diversity,
- Increased medium density housing,
- Infill development, and
- Housing close to services and infrastructure.

The Planning Proposal itself identifies that the proposal is essential to assisting achievement of Council’s medium density housing targets. The subject site is uniquely positioned to accommodate such housing with minimal impact upon surrounding low density areas due to:

- Island configuration,
- Adjacency to the commercial centre,
- Frontage to Ocean Drive,
- Existing vegetation buffers, and
- Separation from established residential streets.

This is therefore not a typical suburban upzoning exercise with sensitive interfaces to other residential properties. It is one of the very few genuinely suitable medium density infill sites within Lake Cathie.

4.7.2 Concerns that proposal may shift the locality toward a more urbanised form.

Council’s local housing strategy documents target 40% medium density housing. This overarching policy will shift appropriate areas toward a denser urban form. Medium density urban form need not be considered negative, it is associated with lower cost housing, walkability and reduced car reliance, among other benefits.

4.7.3 Reference to comparison with larger coastal centres and avoidance of similar development outcomes.

Lake Cathie is a growing coastal area, the development of which is being managed by Council in accordance with relevant policies. It is unlikely that Lake Cathie will experience a proliferation of high rise development in the near future.

4.7.4 Desired future character statements (LEP/DCP alignment)

Neither the LEP or DCP contain desired future character statements for the site or this part of Lake Cathie.

4.7.5 Place-based planning considerations

The site has been carefully considered in context of the surrounding area. The site is an “island” effectively, with no close neighbours. The existing surrounding place will be enhanced by increased resident numbers and associated social and economic activity.

4.7.6 Community vision alignment

The community vision in Council’s Lake Cathie Community Plan 2020 was created through input from the community in mid-2019 through community surveys and meetings. The vision 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 to welcome visitors.*”

This proposal is for residential growth, planned in conjunction with Council and the State government, which is strongly integrated into the community by virtue of its location. Traditionally, villages contain a mix of housing types and it is considered that the proposal will not result in a material impact on the village character. The proposal will also preserve and protect the natural environment adjacent. Alignment with the community vision is considered to have been achieved.

4.8 Precedent Effects and Cumulative Change

4.8.1 Concern that approval may establish precedent for further rezonings or height increases.

The precedent argument is misplaced. This site is highly unique due to:

- Size,
- Location,
- Physical separation,
- Cleared state,
- Direct adjacency to the shopping centre,
- Frontage to Ocean Drive, and
- Extensive surrounding vegetation and reserve land.

The site is strategically very important in Lake Cathie as the optimal infill site suitable for medium density development.

Further, every future development application must still be independently assessed by Council on its merits and against the applicable planning framework. Approval of this proposal does not create an automatic entitlement for rezoning elsewhere.

4.8.2 Cumulative impact of multiple developments in Lake Cathie.

The planning proposal is only for one development. This single development will not have a cumulative impact on the character of Lake Cathie. Other medium density developments are approved in Seaside Estate, significantly separated from the site.

4.8.3 Perception of incremental densification altering overall settlement form.

Incremental densification is a traditional method of development of an area. This has occurred in Lake Cathie since settlement, to make Lake Cathie what it is today. The proposed development will not materially alter the overall settlement form, which will still generally be single dwellings.

4.8.4 Cumulative impact assessment

See 4.8.2 above.

4.8.5 Precedent considerations in planning controls

The planning proposal is not asking Council to abandon any planning controls, but rather to apply alternative planning controls to a unique site. Due to the unique nature of the site it will not set any precedent in terms of planning controls, as Council have the power to consider each site separately in its individual context. Planning precedent is dissimilar to legal precedent and is difficult to establish. Development of this unique site will not set a precedent for Lake Cathie.

4.8.6 Strategic planning consistency

A critical issue largely absent from the objections is the worsening housing supply crisis affecting the region. Council's adopted planning framework already recognises:

- The need for substantial additional housing,
- The need for medium density housing, and
- The need to direct growth toward serviced urban centres.

The proposal directly responds to those objectives.

Importantly, the proposal also represents a moderate and locally managed planning response. If Council fails to provide sufficient housing supply through its own strategic planning framework, there is increasing likelihood that larger scale development outcomes may instead occur through State Significant Development pathways or future State-led housing reforms.

Importantly, Council presently retains full control over future development outcomes through the LEP and DCP framework, including:

- Setbacks,
- Landscaping,
- Building articulation,
- Parking, and
- Urban design controls.

This proposal therefore represents a balanced and locally managed planning outcome rather than uncontrolled intensification ideally suited to the site.

9. Property-Specific Amenity and Impacts

4.9.1 Direct overlooking into private dwellings and yards.

Houses on Fiona Crescent are 30m from the site and houses on Ocean Drive are 42m from the site. All dwellings would be overlooked only into their front openings and setbacks, which are already visible from public areas. Due to the separation distance, material overlooking into areas that are currently private will not occur.

4.9.2 Loss of privacy and increased perception of intrusion.

The proposal will not cause a material loss of privacy for any surrounding residential property as discussed above. The separation from the site should also be sufficient to mitigate the perception of intrusion into surrounding sites.

4.9.3 Property-specific overshadowing impacts.

The plans submitted with the planning proposal are concept plans only. They do not represent the final proposed built form. Following approval of the planning proposal the architectural design including overshadowing detail will be commenced. This will be exhibited by Council with any future DA.

4.9.4 Perceived reduction in property amenity and value.

A number of submissions assert that the proposal will reduce surrounding property values. These claims are speculative, unsupported by evidence and inconsistent with broader urban planning and property market research relating to well-designed medium density development within walkable urban centres.

Importantly, the Planning Proposal does not approve poor quality or inappropriate built form. Any future development application would remain subject to:

- Detailed architectural design review;
- Landscaping controls;
- Setbacks;
- Articulation requirements;
- Parking controls; and
- Comprehensive assessment under the PMHC DCP and LEP.

It is entirely reasonable to expect that future development on a strategically located site adjoining the Lake Cathie Shopping Centre and fronting Ocean Drive (subject to Council approval) would be of a high design standard consistent with contemporary coastal medium density development.

The proposal also has several characteristics typically associated with positive urban and economic outcomes, including:

- Walkability;
- Proximity to retail and services;
- Increased housing diversity;
- Increased local population supporting local businesses; and
- Activation of existing urban infrastructure.

Independent research into higher density walkable neighbourhoods has identified:

- Increased property values,
- Increased retail trade,
- Improved local economic performance, and

- Broader placemaking benefits associated with medium density mixed use development.

The Placemaking Economics Group in their report Identifying and valuing the economic benefits of 20-minute neighbourhoods noted:

“Better neighbourhoods mean better business”

and identified:

- Property value uplift,
- Improved retail activity, and
- Increased economic prosperity

as recognised economic outcomes associated with well-designed higher density walkable neighbourhoods.

Similarly, Australian academic research examining walkability and housing values found that:

- Walkability,
- Access to destinations, and
- Increased urban amenity

were positively associated with residential property prices.

This is particularly relevant in the context of the subject site, which:

- Directly adjoins the Lake Cathie Shopping Centre;
- Is within walking distance of retail and services;
- Fronts a major regional transport corridor; and
- Represents one of the very few opportunities within Lake Cathie to deliver well-located medium density housing integrated with existing infrastructure.

Rather than diminishing the locality, the proposal has the potential to:

- Strengthen the long-term viability of the Lake Cathie Village Centre;
- Support local businesses;
- Improve economic activity;
- Increase passive surveillance and activation; and
- Contribute to broader urban renewal outcomes.

Importantly, there is no evidence before Council demonstrating that a carefully designed medium density development on this uniquely isolated “island” site would reduce surrounding property values.

To the contrary, it is reasonable to conclude that high-quality redevelopment adjacent to the shopping centre and integrated with substantial landscaping and environmental buffering is likely to positively contribute to the amenity, vitality and long-term attractiveness of the Lake Cathie centre.

4.9.5 Adjoining landowner impact assessment

As detailed throughout this letter and the planning proposal, there are no land owners within close enough proximity to the site to experience what would be considered a material impact. The nearest dwelling is 30m from the site. Further detail can be provided at DA stage.

4.9.6 Detailed overshadowing and visual impact

The plans submitted with the planning proposal are concept plans only. They do not represent the final proposed built form. Following approval of the planning proposal the architectural design including overshadowing detail will be commenced. This will be exhibited by Council with any future DA.

5. CONCLUSION

The public submissions are acknowledged and respectfully considered.

However, many submissions:

- Are inconsistent with Council's adopted strategic planning framework,
- Rely upon incorrect factual assumptions,
- Overstate environmental and amenity impacts, or
- Fundamentally oppose any increase in housing density irrespective of strategic planning merit.

Both Council and the NSW Department of Planning have already determined that the proposal possesses strategic merit and should proceed.

The proposal represents:

- Strategically located infill housing,
- Adjacent to existing services,
- Within walking distance of retail and transport,
- On a uniquely isolated "island" site,
- With minimal impacts on surrounding residential development,
- While preserving and strengthening environmental protections.

Importantly, the proposal provides one of the very few realistic opportunities within Lake Cathie to deliver meaningful medium density housing outcomes consistent with Council's adopted strategic planning policies.

The real planning risk to Lake Cathie is **not** the proposed carefully managed infill development on a uniquely suitable site. The real risk is continued failure to deliver the housing diversity and supply outcomes already required under Council's adopted strategic planning framework.

For the reasons outlined within this letter we respectfully request the support of Council Officers when reporting this matter to the Council Meeting on Thursday 18 June 2026.

If you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully,



Melissah Osland
Town Planner