



THE MYALL KOALA & ENVIRONMENT GROUP INC.

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28th May 2026

The Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Subject: SSD-82066472 Sanderling Avenue, Hawks Nest

Dear Secretary,

We wish to lodge a submission in opposition to this State Significant Development currently on exhibition.

Our reasons for objecting are as follows:

1. Community Consultation

There was initially insufficient time (14 days) allowed for submissions on this application. This appears to be an example of the Government's intention to push through housing developments with as few roadblocks as possible. Fortunately, after over a week of the consultation period, the Minister extended it to 28 days.

In a small community like Hawks Nest, this is a major development requiring significant public consultation. The proponent estimates the cost of the development to be in excess of \$91 million. A lay person finds it EXTREMELY difficult to read and understand the 38 documents and 1,800 pages on exhibition and to prepare a reasoned response.

2. Excessive Height

- The development's Height of Building (HOB) exceeds Great Lakes Local Environment Plan 2014 (LEP) by 15.5%, despite claiming the maximum allowance for having lifts to all levels and providing adaptable housing. In Appendix 27 Clause 4.6 Exceptions to Development Standards, when seeking to gain exception from the HOB limit, the proponent states: *"the maximum height exceedance is restricted to the uppermost level of the building which generally has a marked reduction in footprint compared to that of the floor level immediately below and a maximum of <8% site cover. Given that the uppermost level is recessed extensively from the level below and the **exceedances only relate to parts of the eastern side roof structures** and plant on the buildings, it considerably reduces the perception of height exceedance from Sanderling Avenue. The exceedances cannot be viewed from the Golf Club or any public areas.*

The proponent also claims that that the HDA permits exceedance of 20% over allowable 12m HOB, rather than the 10% permitted in the Great Lakes LEP. This HDA allowance which is still below the 15.25m planned maximum building height. However, the rest of the DA is assessed on the Great Lakes LEP.

- The emphasised words in the extract above from Appendix 27 makes it clear that the over-height building **WILL** be seen on the east from the beach, as can be seen on page 39 in Appendix 10. This is obviously deliberate to maximise the beach and ocean views from the penthouses.

At the moment, the only structure that can be seen on the 14 kilometres of pristine Bennetts Beach is the surf club. Earlier submissions from the proponent claimed that the buildings would not be viewable from the beach.

- It is apparent that the financial viability of the whole project will depend on the excessive height and, particularly, the four 4th floor penthouses. In a story about the development in the Newcastle Herald on 8th May 2026 it was said that apartment prices will range from \$500K studios to \$5M for a penthouse. That would mean a \$20M hit to revenue without the fourth-floor penthouses.

3. Location Unsuitability

- There has always been significant community and Council opposition to this proposal, largely because of the location and inappropriate scale of the development. Midcoast Council acknowledges this in their submission to the SSD communicated with rate payers (see attachment) and in Appendix 33 - MidCoast Council DAP Minutes in the documents on exhibition.
- At this time, no building in Hawks Nest exceeds 3 floors in height. However, this and other development applications, continue to use excessive height to create an extra floor to forever change the appearance of a low-impact coastal holiday village.
- The size of the buildings in this proposal will dramatically alter the bulk of buildings in the immediate vicinity consisting of the adjacent single story golf clubhouse and 18 hole golf course, coastal heath to the east, caravan park to the southeast, undeveloped bushland to the south and north and low-density housing to the west.
- The development is 1.1 kilometres from the shopping centre via the walking paths, making it outside comfortable walking distance. Any trip to the shops will require accessing a vehicle from the underground carpark and driving to the shops via Sanderling Avenue and Tuloa Avenue.

4. Project Controversy

This proposal has always been very controversial. It was even the subject of an ABC Four Corners exposé about potential Obeid family involvement and the Local Aboriginal Land Council CEO's (and MidCoast Councillor) sale of the land to the developer.

5. Accommodation Usage

It is claimed that the "flats" in the development will be owner occupied only and won't be used for rentals. This claim is simply **NOT** believable because:

- A very high proportion of apartments and houses in Hawks Nest are already absentee owned and holiday rented. This is most likely to occur with these apartments in such a desirable vacation location.
- At the community consultation meeting it was stated that the Strata Plan for the development would be written to restrict owners from renting their apartments. However, once most apartments are sold, nothing could prevent the owners' Body Corporate from changing the rules.
- The proposal includes one apartment near the building entrance set aside as a caretaker office (which most permanent-resident apartment buildings don't have). After the buildings are completed, this apartment may well become a reception centre for short term holiday stayers checking in. This device has been used in other developments locally (e.g. "The Boathouse" holiday apartments in Marine Drive, Tea Gardens).

- With their panoramic ocean views, easy access to Bennetts Beach and the adjacent, highly regarded Hawks Nest golf course, these apartments would have enormous attraction as holiday lettings.
- There are apparently plans between the golf club and the developers to offer special club membership deals (including short term), discounted golf playing fees and restaurant deals to encourage “residents” to utilise the club facilities. At one time, there was even suggestion of a covered walkway between the apartments and the golf clubhouse.
- In the proponents’ EIS in response to MidCoast Council’s request for clarity on short-term rental accommodation, they said: *“The proposed development on Sanderling Avenue is designed to provide long-term housing for permanent residents, not short-term holiday accommodation. While the R3 – Medium Density Residential zoning under the MidCoast Local Environmental Plan (LEP) allows a range of residential uses, the project has been purposefully planned to deliver stable homes for permanent residents.”* However, the physical apartment design of short-term rental and permanent housing is no different, so this claim is meaningless.
- If the building’s apartments are able to be rented, it would dramatically increase their marketability to investors planning to negatively gear. The recent mooted changes to tax rules only permitting negative gearing on new builds further emphasise this desirability.

6. John Davis Memorial Avenue

In Appendix 11 Traffic Impact Assessment it is stated about Sanderling Avenue: *“Applying Austroads design requirements, the design would require a lane width in each direction of 3 metres minimum and 3.7 maximum, giving a pavement width of between 6 and 7.4 metres. Given there is an existing off road footway / cycleway running along the northern side of the road a width of 6 metres overall can be considered safe and appropriate.”*

However, on 11 May 2026 at a “drop in” session conducted by Mara Consulting in the Hawks Nest Community Hall, Mr Bob Lander, a spokesperson for the proponent stated that MidCoast Council is planning to widen the road in the event that the DA is approved. This may well be a disaster for the John Davis Memorial Avenue of koala food trees located between the roadway and the footpath/cycleway. This avenue of trees and native plantings was created by the Myall Koala and Environment Group in 2009 and has been maintaining ever since. Depending on how much wider the paved roadway extends, this may require all or many of the now mature trees in the avenue to be removed for safety reasons.

7. Site Access

The proponents have maximised their development footprint by not providing building access on their own land. Instead, they have an arrangement with the adjoining golf club to gain site access via the club car park. What will occur if the golf club agreement breaks down at some time in the future?

8. Parking

Trailer parking spots in the underground carpark satisfies the minimum number required for “standard” apartment buildings. However, Hawks Nest and Tea Gardens are seaside towns with four existing still-water boat launching ramps. There is a huge influx of trailer boats in the towns in summer, and it can be expected there will be many belonging to the new Sanderling residents. There will be insufficient trailer parking on site so it could be expected there will be a significant overflow into the adjacent golf club carpark, parking most of the day. This is not going to please the club members.

Conclusion:

We request that this SSD not be approved because of the excessive height and bulk, location unsuitability, deceptive claims about renting, potential parking issues. and social issues.

It is also clear that this development will not address any housing shortage and certainly won't provide any affordable housing.

Thank you for the opportunity to make a submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian A. Morphett', written in a cursive style.

Ian Morphett,

Vice President

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ATTACHMENT

MidCoast Council's Advice to Ratepayers 25th May 2026

Council's submission does not support the proposal in its current form.

Council has raised concerns that the scale and form of the development may not appropriately respond to the existing and intended character of Hawks Nest. The submission also raises questions about whether the proposal will deliver the intended long-term housing outcomes for the area, particularly given Hawks Nest's strong visitor economy and seasonal population profile.

Council's submission identifies that significant further work is required to demonstrate that the proposal can appropriately manage site, environmental and infrastructure impacts. Key matters raised include:

- stormwater management and water quality
- biodiversity impacts
- traffic, access and parking
- social infrastructure needs
- potential land contamination

Council's position is that the proposal should not proceed unless these issues are satisfactorily addressed and the development can be shown to deliver an appropriate planning, environmental and community outcome for Hawks Nest.