

Central Coast Council

Planning Proposal to Revise Planning Controls

Lots 117 – 122 in DP10650

43-46 The Esplanade

Ettalong Beach

File No: PP/106/2019

November 21

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## Planning Proposal

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43-46 The Esplanade  
Ettalong Beach

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Date: November 21

Version 2 – Pre Gateway

Central Coast Council

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<b>Background &amp; Locality Context</b>	<b>1</b>
<b>Part 1 Objectives or Intended Outcomes</b>	<b>7</b>
<b>Part 2 Explanation of Provisions</b>	<b>8</b>
<b>Part 3 Justification</b>	<b>9</b>
<i>Section A – Need for the Planning Proposal</i>	9
<i>Section B – Relationship to strategic planning framework</i>	10
<i>Section C – Environmental, Social and Economic Impact</i>	22
<i>Section D – State and Commonwealth Interests</i>	28
<b>Part 4 Mapping</b>	<b>30</b>
<b>Part 5 Community Consultation</b>	<b>31</b>
<b>Part 6 Project Timeline</b>	<b>32</b>
<b>Supporting Documentation</b>	<b>33</b>

## Background & Locality Context

### Executive Summary

Ettalong Beach Local Centre has a zone of B2 Local Centre, surrounded by R1 General Residential zoned land, and RE1 Public Recreation zoned land along the foreshore. The subject properties, Lot 117- 122 in DP 10650 (No 43 -46 The Esplanade), are zoned B2 Local Centre but the applicable maximum building height and floor space ratio controls are lower than adjoining B2 zoned land in order to limit overshadowing of the beach and public open space, allow for view sharing to the water and provide a transition to the lower density residential land to the east.

The Planning Proposal seeks a review of the current planning and development controls under *Gosford Local Environmental Plan 2014* (GLEP) or the *Central Coast Local Environmental Plan* (CCLEP) applicable to the subject properties to effect an increase in the provision of residential and commercial floor space in the existing Ettalong Beach Local Centre.

### The Site

The land subject to the rezoning request comprises six (6) lots, No. 43-46 The Esplanade, in multiple ownership having a total area of 3,167.6 m<sup>2</sup> (Fig. 1).

The subject site occupies a prominent beachfront location with panoramic views to the east and south-east across the Brisbane Water estuary and south west to Lion Island. It is zoned B2 Local Centre with frontage to The Esplanade, Memorial Avenue and Picnic Parade (Fig. 2). The site is generally flat, cleared of original vegetation but planted with a variety of low trees and shrubs. It is well serviced by a rear laneway which allows access to parking and waste collection at the rear of the site.

There is a recently developed five (5) and seven (7) storey mixed use residential /commercial development (Atlantis) on No 49 The Esplanade (adjoining lot), an older style two (2) storey Ettalong Beach Motel on No 46, an existing single storey residence on No 43, whilst No 44 and 45 are currently undeveloped. There is a pedestrian laneway between No 46 and No 49 The Esplanade connecting The Esplanade with Ocean View Road.

The current urban context comprises of developments ranging from low rise residential to the east, four storey Ettalong Hotel to the north and the nine storey Mantra Hotel to the west, of varying design styles.



Figure 1 Contextual Locality Plan (source Google Maps)

## The Proposal

The Planning Proposal seeks to increase the permitted maximum building height from 11.5 metres (approximately 3 storeys) to 17 metres (approximately 5 storeys), and the permitted maximum floor space ratio (FSR) from 1:1 to 1.75:1 under *Gosford Local Environmental Plan 2014* (GLEP) or the *Central Coast Local Environmental Plan* (CCLEP) to enable improved lot consolidation and development outcome. There is a recently completed development on Lot 2 in DP1249007 and O/SP 99403 (No 49 The Esplanade) approved under the State Significant Development provisions of the *Environmental Planning and Assessment Act 1979*.

Details of the envisaged development scheme, indicate a single development on six parcels, Lot 117-122 in DP 10650 (No 43-46 The Esplanade) comprising of one level of basement parking, a ground floor of predominantly commercial areas, and four (4) storeys of residential units in two small towers.

Under the proposed development controls, the development could achieve five storeys in height involving up to 38 residential units and commercial floor space of some 1,100m<sup>2</sup> gross floor area. Vehicle access to a single level basement of 66 car spaces is provided at the rear access lane and includes an at-grade loading bay with a separate access.





Figure 2 Land Use Zones

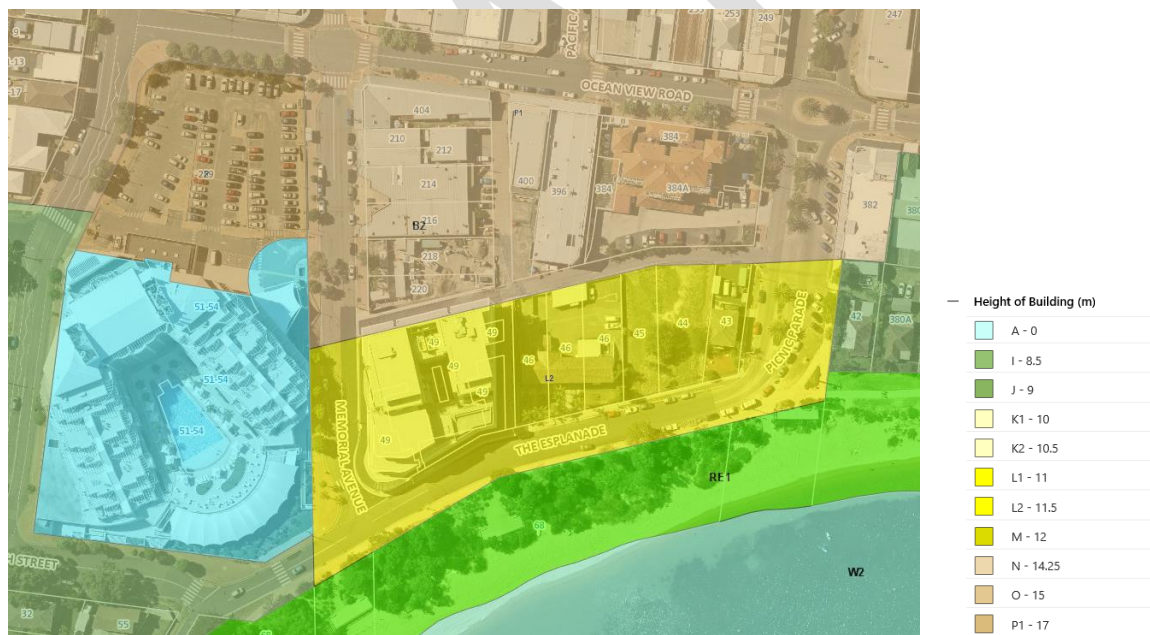


Figure 3 Height of Building



Figure 4 – Floor Space Ratio

The planning controls in this waterfront location are intended to limit overshadowing of the beach and public open space, allow for view sharing to the water from other B2 Local Centre zoned land, and provide a transition to the lower density residential land to the east.

Following initial review by Council staff, a set of revised concept plans and Design Quality Statement (refer 04 Supporting Documentation - Studies) were submitted outlining the key points related to compliance with the design quality principles in Schedule 1 of *State Environmental Planning Policy No 65*.

The concept plans 19667 SK 01 to SK 14 Revision 1 indicate an FSR of 1.75:1, which allows for appropriate building setbacks, building separation, and a stepped-down transition to the low-density residential development to the east.

The concept plans relate to a development that occupies 6 parcels known as Lot 117- 122 in DP 10650 (43-46 The Esplanade). Consolidation of these parcels is proposed in order to avoid a poor urban design outcome if the lots were developed independently. This can be achieved either by a Voluntary Planning Agreement or by means of appropriate local provisions under the GLEP or CCLEP.

The concept plans indicate a shortfall in the provision of car parking for the commercial floor space. The Car parking Contributions Plan is oversubscribed and is currently not accepting contributions in lieu of car parking. As such the required car parking spaces will need to be accommodated on the subject site.

Lot 2 in DP1249007 and 0/SP 99403 (No 49 The Esplanade) was part of the Planning Proposal but is not included in the concept plans of the envisaged development. The planning controls for this lot will be reviewed as the current controls do not reflect the existing approved development. **This review will be undertaken under a separate Miscellaneous LEP amendment.**

### Current Status

A meeting with the proponent on 11 March 2021 was confirmed as follows:



- An FSR of 1.75:1 and maximum building height of 17 metres was the proposal;
- A Local Clause in relation to the consolidation of No 43-46 The Esplanade, similar to current provisions applicable to Ettalong, to ensure the best outcomes for the subject properties.
- Car parking in accordance with relevant Development Control Plan provisions will be provided as on-site parking as the Car Parking Contributions Plan is oversubscribed; and
- An appropriate public benefit of agreed public domain improvements (e.g. enhancement of the pedestrian laneway between No 46 and No 49 The Esplanade and/or a contribution towards upgrading of the adjacent foreshore reserve), is proposed under a Voluntary Planning Agreement to be exhibited with the Planning Proposal.

## **LPP Assessment**

The planning proposal was assessed by the Local Planning Panel (LPP) on 10 June 2021. The following advice was provided to Council:

*The LPP supports the strategic intent of the proposal for redevelopment of this key site and considers that it has site specific merit, subject to the following qualifications:*

- *Proposed height and FSR for No. 43-46 The Esplanade, Ettalong Beach is supportable provided the site is developed as one consolidated lot. Standards relating to minimum allotment size, minimum frontage and site consolidation must be included within the LEP.*
- *The proposed LEP controls rely on detailed urban design controls being developed in a future Development Control Plan, which should preferably be exhibited alongside the Planning Proposal. If this is not possible, then the DCP should finalised prior to the gazettal of the amending LEP. This should include, but not be limited to: - limiting the overshadowing of the beach, public open space and bushland in the area - allowing for view sharing to the water from other B2 zoned land in the centre - providing for acceptable building separation and setbacks - incorporating active street frontage provisions - transition in height to the adjacent low density areas - design excellence*
- *The Panel supports the proposed intent to prepare a Planning Agreement alongside a Planning Proposal.*
- *The Panel requests consideration as part of the Planning Proposal of public benefits such as affordable housing, through site links and public realm improvements along The Esplanade and Picnic Parade.*

## **Council Resolution**

The request to prepare a planning proposal was considered by Council on 29 June 2021. Council resolved as follows:

### **1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (if in effect), to:**

#### **a increase the maximum building height from 11.5m to 17m and floor space ratio from 1:1 to 1.75:1 on the following lots:**

- **Lot 117 in DP 10650 (No 46 The Esplanade);**
- **Lot 118 in DP 10650 (No 46 The Esplanade);**
- **Lot 119 in DP 10650 (No 46 The Esplanade);**
- **Lot 120 in DP 10650 (No 45 The Esplanade);**

- *Lot 121 in DP 10650 (No 44 The Esplanade); and*
- *Lot 122 in DP 10650 (No 43 The Esplanade), and*

*b to increase the maximum building height and floor space ratio on Lot 2 in DP1249007 and O/SP 99403 (No 49 The Esplanade) to be consistent with the planning controls approved as part of the State Significant Project Approval (MP 09\_0121) for this site.*

- 2 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination*
- 3 That Council request delegation for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979*
- 4 That Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA (if required).*
- 5 That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements*
- 6 That Council considers a further report on the results of public authority and community consultation*

## Part 1 Objectives or Intended Outcomes

The proposal seeks to amend planning controls (applicable to No. 43-46 The Esplanade, Ettalong Beach) under the *Gosford Local Environmental Plan 2014* or *Central Coast Local Environmental Plan (if in effect)*, by increasing the permitted building height from 11.5 metres (approximately 3 storeys) to 17 metres (approximately 5 storeys), and the permitted floor space ratio (FSR) from 1:1 to 1.75:1 to enable improved lot consolidation and development outcome.

The proposal expects to provide quality retail/commercial and residential uses that complement the current activities in the precinct and have the potential to create employment and improve housing choice in the Ettalong Beach local centre.

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## Part 2 Explanation of Provisions

The outcome will be facilitated by the following:

1. Amendment to *Gosford Local Environmental Plan (GLEP) 2014* or *Central Coast Local Environmental Plan*
  - a to increase the maximum building height from 11.5m to 17m and floor space ratio from 1:1 to 1.75:1, on the following lots as a local “bonus” provision subject to site consolidation and desirable urban design outcomes:
    - Lot 117 in DP 10650 (No 46 The Esplanade);
    - Lot 118 in DP 10650 (No 46 The Esplanade);
    - Lot 119 in DP 10650 (No 46 The Esplanade);
    - Lot 120 in DP 10650 (No 45 The Esplanade);
    - Lot 121 in DP 10650 (No 44 The Esplanade); and
    - Lot 122 in DP 10650 (No 43 The Esplanade);
2. Amendment to *Gosford Development Control Plan 2013* or *Central Coast Development Control Plan* to achieve relevant urban design objectives, including minimise overshadowing and impact on local character, basement car parking, and overall design excellence; and
3. Voluntary Planning Agreement to achieve a public benefit.

## Part 3 Justification

### Section A – Need for the Planning Proposal

#### 1. *Is the Planning Proposal a result of any Strategic Study or report?*

The proposal is not directly to implement the findings of a Strategic Study or report however it is supported by a range of studies summarised below:

- Architectural Design Report (Part 5A - Supporting Studies), prepared by Ian Bassett and Partners indicates that the potential built form resulting from developing the site in accordance with the proposed planning controls can be achieved with acceptable impacts on streetscape, solar access and amenity. This includes concept plans 19667 SK 01 to SK 14 Revision 1 showing potential building massing of the future development on the site and the relationship to adjoining properties.
- Traffic and Parking Assessment Report (Part 5B - Supporting Studies) prepared by Transport and Traffic Planning Associates, indicates that the proposed increase in residential density will not have unacceptable traffic implications on the surrounding road network as a consequence of the planning proposal. In addition, the proposal is expected to have manageable parking, access and servicing implications.
- Preliminary Site Investigation -Contamination (Part 5C – Supporting Studies) prepared by Douglas Partners indicates that based on a review of site history information, in-situ sampling and walkover the site appears to be generally compatible with the proposed mixed-use development.
- Economic Assessment (Part 5D – Supporting Studies) by MDA Property states that retail/commercial development should be encouraged within Ettalong Beach centre to address demand issues.

Additionally, the proposal is consistent with Planning Priority 2 in the Central Coast Local Strategic Planning Statement to "Prioritise sustainable development in our Regional City Centre and existing centres".

#### 2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

A Planning Proposal is the best way of achieving the objectives and intended outcomes to enable redevelopment of the subject site, as the scale of change sought is considered to be outside the scope of a variation to the current planning controls.



## Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

### Central Coast Regional Plan (2036)

The *Central Coast Regional Plan 2036 (CCRP)* applies to the Central Coast local government area (LGA). The CCRP is to provide the basis of planning by the local government and sets out a number of actions. The table below demonstrates that the Planning Proposal is generally consistent with relevant actions identified in the CCRP:

**Table 1:** Central Coast Regional Plan Assessment

Central Coast Regional Plan 2036		
Direction	Applicable	Assessment/Comment
1. Grow Gosford City Centre as the region's capital	N/A	The proposal is not located within the Gosford City Centre.
2. Focus economic development in the Southern and Northern Growth Corridors	N/A	The proposal is not within the Southern or Northern Growth Corridors.
3. Support priority economic sectors	Yes	The proposal is consistent with this direction as it seeks to promote growth and renewal in local centres (Action 3.1).
4. Strengthen inter-regional and intra-regional connections for business	Yes	The proposal is consistent with this Direction as it seeks to strengthen business and employment in the region.
5. Support new and expanded industrial activity	N/A	The proposal does not relate to industrial activity
6. Strengthen the economic self-determination of Aboriginal communities	N/A	The subject proposal is not located on land owned by the Aboriginal community.
7. Increase job containment in the region	Yes	The proposal will create local employment opportunities by providing additional retail/commercial floor space for new businesses.
8. Recognise the cultural landscape of the Central Coast	Yes	The proposal relates to an existing development area and does not detract from the cultural landscape of the Central Coast.
9. Protect and enhance productive agricultural land	N/A	The subject site is in an existing centre and does not affect productive agricultural land.

Central Coast Regional Plan 2036		
Direction	Applicable	Assessment/Comment
10. Secure the productivity and capacity of resource lands	N/A	The subject proposal is not located on or near resource lands.
11. Sustain and balance productive landscapes west of the M1	N/A	The subject site is not located west of the M1 Motorway.
12. Protect and manage environmental values	Yes	The proposal is located within an existing developed site and will not affect existing environmental values.
13. Sustain water quality and security	Yes	The proposal is located within an existing urban area with potential access to the existing drainage infrastructure. It is not expected to affect coastal water quality.
14. Protect the coast and manage natural hazards and climate change	Yes	The Brisbane Water Foreshore Flood Study 2013 does not show the subject site as being affected by the current 1% AEP event. Also, the minimum floor level of 4m AHD is deemed to satisfy the flood planning level, including allowance for sea level rise.
15. Create a well-planned, compact settlement pattern	Yes	The proposal will provide more housing and jobs within an established urban area to reinforce a compact settlement pattern.
16. Grow investment opportunities in the region's centres	Yes	The subject proposal will provide additional retail and residential (mixed use) investment opportunities in the Ettalong Beach local centre.
17. Align land use and infrastructure planning	Yes	Located within a local centre the subject proposal will utilise existing infrastructure and services.
18. Create places that are inclusive, well-designed and offer attractive lifestyles	Yes	The subject proposal (including proposed public domain improvements under a Voluntary Planning Agreement) will facilitate mixed use development in an under-utilised beach front location close to transport and services.
19. Accelerate housing supply and improve housing choice	Yes	The subject proposal will increase housing supply and choice within the Ettalong Beach local centre.
20. Grow housing choice in and around local centres	Yes	The subject proposal will provide more housing options (mix of apartments) with easy access of the local centre.
21. Provide housing choice to meet community needs	Yes	By providing a mix of small to medium sized apartments, the subject proposal will cater to a range of community needs.
22. Deliver housing in new release areas that are	N/A	The subject site is not within a new release area.

Central Coast Regional Plan 2036		
Direction	Applicable	Assessment/Comment
best suited to building new communities		
23. Manage rural lifestyles	N/A	The subject site is not located within a rural area.

4. *Is the planning proposal consistent with local Council's local strategy or other local strategic plan?*

**Central Coast Community Strategic Plan – One Central Coast**

The proposal is consistent with the relevant themes of the Community Strategic Plan.

**Table 2 – Community Strategic Plan Assessment**

Central Coast Community Strategic Plan		
Objectives		Assessment
<b>THEME - BELONGING</b>		
<b>Focus Area - Creativity, Connection and Local Identity</b>		
B4	Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors	Consistent.
<b>THEME - SMART</b>		
<b>Focus Area - A Growing and Competitive Region</b>		
C1	Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast	Consistent
C3	Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents	Consistent
C4	Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly	Consistent
<b>THEME - RESPONSIBLE</b>		
<b>Focus Area - Balanced and Sustainable Development</b>		
I2	Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport	Consistent
I4	Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing	Consistent

## Interim Local Strategic Planning Statement

Council's Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020 following adoption by Council on 29 June 2020. The proposal is considered to be consistent with relevant strategies and priorities of the LSPS.

**Table 3 – Local Strategic Planning Statement Assessment**

Central Coast Local Strategic Planning Statement 2020	
Planning Strategies	Assessment/Comment
1 Revitalise our centres	Consistent. The proposal seeks to facilitate growth and renewal in a local centre.
2 Renew urban form	Consistent. The proposal will provide new housing and jobs (mixed use) within an established urban centre to reinforce a compact settlement pattern.
3 Define the urban edge	Consistent. The proposal will result in the redevelopment of serviced urban land.
4 Create a sustainable region	Consistent. Located within a local centre the proposal will utilise existing infrastructure and services and is not expected to affect existing environmental values of this coastal location.

Central Coast Local Strategic Planning Statement	
Planning Priorities	Assessment
<b>Centres and Corridors</b>	
1 Align development to our infrastructure capacity	Consistent. The proposal is located within a local centre and will optimise the use of existing infrastructure and services.
2 Prioritise sustainable development in our Regional City Centre and existing centres	Consistent. The proposal will facilitate growth and renewal in a local centre by providing additional retail /commercial floor space for new businesses.
5 Future planning that enables the development of active and liveable centres	Consistent. The proposal will enable activation of a local centre by providing a new mixed-use development in a beachfront location and deliver public domain improvements to the area.
<b>Housing</b>	
Provide for the housing needs of our growing region	Consistent. The proposal will provide additional housing options (1, 2 and 3 bedroom apartments) with easy access to the local centre.
<b>Economics</b>	
14 Facilitate economic development to increase local employment opportunities for the community	Consistent. The proposal will provide employment opportunities both during construction and operational phases.

## 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) (see 01 Assessment and Endorsement for assessment). The proposal is considered to be consistent with the applicable SEPPs.

**Table 4 – State Environmental Planning Policy Assessment**

State Environmental Planning Policy	Consistency
<b>SEPP No. 55 – Remediation of Land</b>	
<p>Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and</p> <p>(c) development applications for consent to carry out a remediation work in particular, and by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>Consistent.</p> <p>Previous and existing land uses include residential and commercial (motel) which are not potentially contaminating activities.</p> <p>The existing motel was built prior to 1978, therefore it is considered that hazardous building materials, including ACM, are present within the structure. Groundwater was encountered at a minimum depth of 2.5 m BGL. The Geotechnical Report's recommendations are supported, including:</p> <ul style="list-style-type: none"> <li>- Preparation of a pre demolition hazardous building material survey by an occupational hygienist,</li> <li>- all demolition work to be completed by a licensed asbestos demolition contractor and a clearance certificate provided post demolition by an occupational hygienist,</li> <li>- a Stage 2 contaminated site assessment to be prepared post demolition (so that soils under the structures can be accessed) and a Stage 3 Remediation Action Plan. A Stage 4 Validation plan would also be required.</li> </ul>
<b>SEPP (Coastal Management) 2018</b>	
<p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with objects of the <i>Coastal Management Act 2016</i>, including the management objectives for each coastal management area, by:</p>	<p>Consistent</p> <p>The subject site is located within the Coastal Protection Environment Area. The matters outlined in Clause 13 of the SEPP have been considered:</p> <ul style="list-style-type: none"> <li>- The proposal does not affect access to and along coastal foreshores;</li> </ul>



State Environmental Planning Policy	Consistency
<p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide and decision-making in the coastal zone, and</p> <p>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p> <p><b>13 Development on land within the coastal environment area</b></p> <p>Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <ul style="list-style-type: none"> <li>- the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</li> <li>- coastal environmental values and natural coastal processes,</li> <li>- the water quality of the marine estate (within the meaning of the <a href="#">Marine Estate Management Act 2014</a>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</li> <li>- marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</li> <li>- existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</li> <li>- Aboriginal cultural heritage, practices and places,</li> <li>- the use of the surf zone.</li> </ul>	<ul style="list-style-type: none"> <li>- The subject lots at 43-49 The Esplanade, Ettalong Beach has been fully developed for urban use and does not contain any remnant native vegetation or is likely to contain Aboriginal artefacts;</li> <li>- The subject lots are not affected by overland flooding in the 1% AEP event (<i>Brisbane Water Foreshore Floodplain Risk Management Study and Plan 2015</i>);</li> <li>- The minimum floor level in the proposed development satisfies Floodplain Development requirements;</li> <li>- The site is located landward of the road (The Esplanade) and is not subject to immediate coastal hazards as per current Gosford Coastal Zone Management Plan (Gosford CZMP). From a coastal engineering perspective, the rezoning proposal is considered suitable to process within the confines in Chapter 6.2 Coastal Frontage of the <i>Gosford DCP 2013</i>.</li> </ul>

State Environmental Planning Policy	Consistency
<b>SEPP 65 – Design Quality of Residential Apartment Development</b>	
<p>Aims:</p> <p>(1) This Policy aims to improve the design quality of residential apartment development in New South Wales.</p> <p>(2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.</p> <p>(3) Improving the design quality of residential apartment development aims:</p> <ul style="list-style-type: none"> <li>(a) to ensure that it contributes to the sustainable development of New South Wales:</li> <ul style="list-style-type: none"> <li>(i) by providing sustainable housing in social and environmental terms, and</li> <li>(ii) by being a long-term asset to its neighbourhood, and</li> <li>(iii) by achieving the urban planning policies for its regional and local contexts, and</li> </ul> <li>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</li> <li>(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and</li> <li>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</li> <li>(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and</li> <li>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</li> <li>(g) to support housing affordability, and</li> <li>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</li> </ul> <p>(4) This Policy aims to provide:</p> <ul style="list-style-type: none"> <li>(a) consistency of policy and mechanisms across the State, and</li> </ul>	<p>Concept designs and Design Quality Statement have been prepared in consideration of existing surrounding development and <i>SEPP 65</i> and can achieve compliance. This will be assessed in detail at development application stage.</p> <p>The proposal is consistent with this requirement.</p>

State Environmental Planning Policy	Consistency
(b) a framework for local and regional planning to achieve identified outcomes for specific places.	

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The proposal has been considered against the relevant Ministerial Section 9.1 Directions below. The full assessment of these Directions is contained within the supporting documentation of this proposal.

**Table 5:** S9.1 Ministerial Direction Compliance

Ministerial Section 9.1 Directions	Comment (choose an item)
<b>Employment &amp; Resources</b>	
<b>1.1 Business &amp; Industrial Zones</b>	
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic centres.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>	<p>Applicable</p> <p>The subject proposal seeks to vary the maximum building height and floor space ratio controls to provide additional retail /commercial/residential uses within a local centre (Ettalong Beach) identified in the <i>Central Coast Regional Plan 2036</i>.</p> <p>The subject proposal is consistent with the requirements of 1.1 Business &amp; Industrial Zones</p>
<b>Environment &amp; Heritage</b>	
<b>2.1 Environmental Protection Zones</b>	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The subject site is not within an environmental protection zone or area.</p> <p>The subject proposal is consistent with the requirements of 2.1 Environmental Protection Zones.</p>
<b>2.2 Coastal Management</b>	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the <i>Coastal Zone</i>.</p>	<p>Applicable</p> <p>The subject property is not affected by overland flooding in the 1% AEP event (<i>Brisbane Water Foreshore Floodplain Risk Management Study and Plan 2015</i>).</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
	<p>The minimum floor level in this proposal satisfies Floodplain Development requirements.</p> <p>The site is located landward of the road (The Esplanade) and is not subject to immediate coastal hazards as per current <i>Gosford Coastal Zone Management Plan</i> (Gosford CZMP). From a coastal engineering perspective, the rezoning proposal is considered suitable to process within the confines in Chapter 6.2 Coastal Frontage of the <i>Gosford DCP 2013</i>.</p> <p>The subject proposal is consistent with this requirement.</p>
<b>2.3 Heritage Conservation</b>	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The subject site is not located in close proximity of any known items of heritage significance.</p> <p>Based on the long term usage of the site for residential and commercial purposes, it is not likely that there are any items of indigenous heritage significance.</p> <p>The subject proposal is consistent with this requirement.</p>
<b>2.6 Remediation of Contaminated Lands</b>	
<p>Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Applicable</p> <p>Previous and existing land uses include residential and commercial (motel) which are not potentially contaminating activities. However, stockpiles of building rubble and fill (including ACM) were observed during the site inspection. The existing motel was built prior to 1978, therefore it is considered that hazardous building materials, including ACM, are present within the structure. Samples collected to test for ASS encountered fill material including possible ACM below the ground surface. Groundwater was encountered at a minimum depth of 2.5 m BGL.</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
	<p>The following conditions are recommended at the development stage to address this requirement:</p> <ul style="list-style-type: none"> <li>- Preparation of a pre demolition hazardous building material survey by an occupational hygienist,</li> <li>- All demolition work to be completed by a licensed asbestos demolition contractor and a clearance certificate provided post demolition by an occupational hygienist,</li> <li>- A Stage 2 contaminated site assessment to be prepared post demolition (so that soils under the structures can be accessed) and a Stage 3 Remediation Action Plan. A Stage 4 Validation plan would also be required.</li> </ul>
<b>Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Applicable</p> <p>The subject proposal seeks to provide a variety of apartment sizes to suit a range of living circumstances, including a mix of quality 1, 2 &amp; 3 bedroom apartments and facilities, with access to existing infrastructure and services (Ettalong Beach local centre and waterfront recreational area).</p> <p>The proposal is consistent with Direction 3.1 Residential Zones.</p>
<b>3.4 Integrating Land Use &amp; Transport</b>	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land,</p>	<p>Applicable</p> <p>The proposal is considered to adequately integrate land use and transport as it seeks to redevelop existing urban land in an established commercial precinct (Ettalong Beach Local Centre).</p> <p>The subject site is located close to a range of services and transport connections including a regular bus service and a ferry service to the north of the site.</p> <p>The proposal is consistent with the</p>



Ministerial Section 9.1 Directions	Comment (choose an item)
including land zoned for residential, business, industrial, village or tourist purposes.	requirements of Direction 3.4 Integrating Land Use & Transport.
Hazard & Risk	
4.1 Acid Sulfate Soils	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable</p> <p>The Acid Sulfate Soils (ASS) map indicates that the subject site is Class 3 and development consent is required for the following; Works more than 1 metre below the natural ground surface. Works by which the water table is likely to be lowered more than 1 metre below the natural ground surface.</p> <p>ASS screening and analytical testing carried out as part of a Preliminary Site Investigation indicates that the soils on the subject site (to tested depths) are not considered to be ASS and do not require management for ASS.</p> <p>The proposal is consistent with requirements of 4.1 Acid Sulfate soils.</p>
4.3 Flood Prone Land	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>Not Applicable</p> <p>The subject property is not affected by overland flooding in the 1% AEP event (<i>Brisbane Water Foreshore Floodplain Risk Management Study and Plan 2015</i>).</p>
Regional Planning	
5.10 Implementation of Regional Plans	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within a regional plan.</p>	<p>Applicable</p> <p>The subject proposal will create local employment opportunities by providing additional retail/commercial floor space for new businesses.</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
	<p>The proposal will also provide more housing options close to a local centre, existing infrastructure, services and transport.</p> <p>The proposal is consistent with the <i>Central Coast Regional Plan 2036</i> (Refer detail assessment – Table 1) and this requirement.</p>
<b>Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The proposal will not impact upon the efficient and appropriate assessment of development and is consistent with this requirement.</p>
<b>6.2 Reserving Land for Public Purposes</b>	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes; and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The Planning Proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.</p>
<b>6.3 Site Specific Provisions</b>	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Applicable</p> <p>The relevant mapping will be updated only subsequent to this proposal and no additional development standards than currently exist would be applied.</p>

## **Section C – Environmental, Social and Economic Impact**

### **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?***

#### **• Environment**

As the subject site is located within an urban area which has been completely cleared of native vegetation and does not contain native bushland, the likelihood that there would be a significant impact on threatened species, populations or endangered ecological communities is considered extremely low.

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

The planning proposal has strategic merit on the basis that it will address the following Directions of the Central Coast Regional Plan 2036.

- Create a well-planned, compact settlement pattern (Direction 15)
- Grow investment opportunities in the region's centres (Direction 16)
- Align land use and infrastructure planning (Direction 17)
- Create places that are inclusive, well-designed and offer attractive lifestyles (Direction 18)
- Accelerate housing supply and improve housing choice (Direction 19)
- Grow housing choice in and around local centres (Direction 20)
- Provide housing choice to meet community needs (Direction 21)

The proposal has also been assessed against the Central Coast Council Interim Local Strategic Planning Statement (ILSPS), and State strategies, policies and directions, and is considered to be either consistent, or considered capable of being consistent, subject to resolution of matters raised below.

#### **Internal Consultation**

The planning proposal and supporting reports have been reviewed by Council staff and responses are summarised below. Some matters requiring more detailed investigation as part of the progression of the proposal are also discussed.

#### **• Urban Design**

The planning controls applicable to this location opposite Ettalong Beach are intended to limit overshadowing of the beach and public open space, allow for view sharing to the water from other B2 Local Centre zoned land, and provide a transition to the lower density residential land to the east.

The current B2 zoning, with a maximum height of 11.5m and FSR of 1:1 would allow for a more traditional retail main street style of development with individual sites developed on the front half of the site. It is noted that the only form of residential accommodation permissible in this zone is shop top housing (Fig. 5)

In this style of development, retail or commercial space is normally located on the ground level, shop-top housing is located on the upper levels, and private open space, car parking, waste storage and service access is provided at ground floor level off the rear lane.

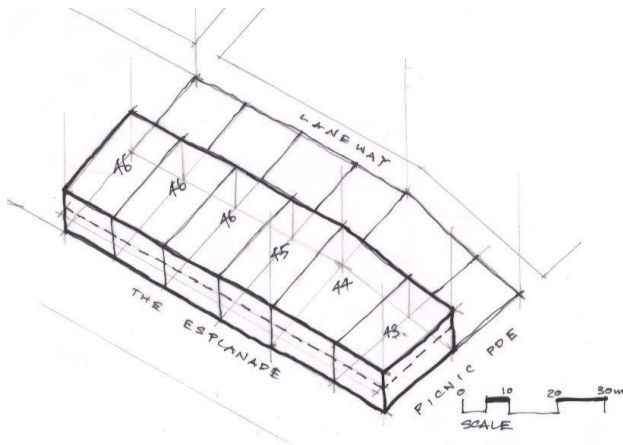


Figure 5 Diagram showing indicative gross floor area on the sites with an FSR of 1:1

When located in metropolitan areas with good access to public transport, mixed use developments may be possible with reduced parking provision. However, in regional areas like the Central Coast with more limited public transport options, parking must generally be provided on-site at a rate of at least one space per dwelling for shop-top housing, as well as parking for ground floor retail or commercial uses. This often requires basement parking in order to satisfy market demand, the development controls and minimise kerb side parking. Provision of basement parking may not be economically viable where these sites are developed independently.

Following initial review by Council staff, a set of revised concept plans and Design Quality Statement (refer 04 Supporting Documentation - Studies) were submitted; outlining the key points (below) related to compliance with the design quality principles in Schedule 1 of *State Environmental Planning Policy No 65*.



Aerial View – Existing site context



Proposed Development – The Esplanade View  
(Source: Design Quality Statement and Concept Plans)



Picnic Parade View

- "The architectural character and built form of the proposed development have been informed by the aspects and salient features of the site and surrounding contextual character and forms.
- The major design influence and the resolution of the two pavilions atop a ground level podium is derived by the desire to maintain (as far as practicable), breeze corridors and view sharing to the water from other B2 zoned land, limit overshadowing of the beach and public open space, allow for and provide a transition to the lower density residential land to the east.
- The street presence of the development has been informed by the site surroundings. Pedestrian access to commercial spaces is possible from both The Esplanade & the subsequent laneway created by the neighbouring "Atlantis" development. This will allow the building to relate back to The Esplanade and beach beyond whilst providing activation of the pedestrian laneway.
- To the east, where there are adjoining residential zones across the street, ground level apartments with street level open space and landscaping will compliment and transition the development to the public space.
- Car parking access to a basement is proposed from the northern service laneway, along with access to other building utilities, limiting traffic impact on The Esplanade.
- The apartments are positioned and designed to maximise the site aspect and attributes and will be designed to best respond to the existing site conditions. Priorities will be to capture views over Ettalong Beach, whilst equitably sharing views through the site. With the ocean views predominantly south facing, the challenges of maintaining solar access will be considered. Wind directions, landscaping and appropriate shading of windows and external areas will be incorporated to provide quality environments for both residents and commercial visitors to the site."

The revised concept plans are considered to be consistent with the design quality principles and relevant planning objectives. The requested increase in the maximum building height and an increase in the maximum floor space ratio (FSR) could be supported based on the following;

- The concept plans 19667 SK 01 to SK 14 Revision 1 (refer 04 Supporting Documentation - Studies) relate to a development that occupies 6 parcels known as Lot 117- 122 in DP 10650 (43-46 The Esplanade). Consolidation of these parcels is proposed in order to avoid a poor urban design outcome if the lots were developed independently. This can be achieved either by a Voluntary Planning Agreement or by means of appropriate provisions under the GLEP or CCLEP.
- Lot 2 in DP1249007 and O/SP 99403 (No 49 The Esplanade) forms part of the Planning Proposal but is not included in the concept plans of the envisaged development. The planning controls for this lot will be reviewed as the current controls do not reflect the existing approved development. **This review will be undertaken under a separate Miscellaneous LEP amendment.**
- The concept plans indicate a single storey podium at the ground floor that is set back from the boundary with two small residential towers that are further set back with an overall maximum building height of 17 metres. There is a single storey residential component setback from the boundary to Picnic Parade and this is an appropriate address to the lower-scale residential zone to the east.



- The maximum height of 17 meters or 5 storeys only applies to the two small towers and is considered as an appropriate transition from the Mantra Resort (1-9 storey) and the Atlantis (5-7 storey) developments to the west and The Ettalong Hotel (4 storey) to the north, down to the 1-2 storey residential to the east. The proposed development complies with the setback to the laneway (3 metres) and the setback to the residential zoned land (4 metres minimum required but the proposed setback is greater than this at 6 metres).
- The concept plans also indicate an FSR of 1.75:1, which allows for appropriate building setbacks, building separation, and a stepped-down transition to the neighbouring low-density residential development to the east. The building form generated with an FSR of 1.75:1 allows for basement parking, a ground floor of commercial and residential development and two small towers of residential development. There is an appropriate choice of development on the ground floor with a commercial address to The Esplanade and a residential address to Picnic Parade.
- Car parking in accordance with relevant Development Control Plan provisions will be provided as on-site parking as the Car Parking Contributions Plan is oversubscribed. In addition, an appropriate public benefit of agreed public domain improvements (e.g. enhancement of the pedestrian laneway between No 46 and No 49 The Esplanade and/or a contribution towards upgrading of the adjacent foreshore reserve), is proposed under a Voluntary Planning Agreement to be exhibited with the Planning Proposal.

Thus, based on the submitted concept drawings and combined with the building form generated by the FSR of 1.75:1, the maximum building height of 17 metres could be supported on the subject site (43-46 The Esplanade).

Amendments to the *Gosford Local Environmental Plan 2014* and *Gosford Development Control Plan 2013* or *Central Coast Local Environmental Plan and Central Coast Development Control Plan* (if in effect) to include site specific LEP and DCP provisions will be required to ensure relevant planning objectives are achieved.

The Local Planning Panel, at its meeting on 10 June 2021 *"supported the strategic intent of the proposal for redevelopment of this key site and considers that it has site specific merit subject to the following"*:

- *The site is developed as one consolidated lot. Standards relating to minimum allotment size, minimum frontage and site consolidation must be included within the Local Environmental Plan (LEP).*
- *The proposed LEP controls rely on detailed urban design controls being developed in a future Development Control Plan, which should preferably be exhibited alongside the Planning Proposal. This should include, but not be limited to: - limiting the overshadowing of the beach, public open space and bushland in the area - allowing for view sharing to the water from other B2 zoned land in the centre - providing for acceptable building separation and setbacks - incorporating active street frontage provisions - transition in height to the adjacent low density areas - design excellence*
- *The proposed intent to prepare a Planning Agreement alongside a Planning Proposal.*
- *Consideration as part of the Planning Proposal of public benefits such as affordable housing, through site links and public realm improvements along The Esplanade and Picnic Parade.*

- **Flooding and Water Quality**

The subject property is not affected by overland flooding in the 1% AEP event (*Brisbane Water Foreshore Floodplain Risk Management Study and Plan 2015*).

The minimum floor level in this proposal satisfies Floodplain Development requirements.

- **Coastal Management**

The site is located landward of The Esplanade and is not subject to immediate coastal hazards as per current *Gosford Coastal Zone Management Plan* (Gosford CZMP).

From a coastal engineering perspective, the rezoning proposal is considered suitable to process within the confines in Chapter 6.2 Coastal Frontage of the *Gosford DCP 2013*.

It is noted that the beach area on the southern side of the Esplanade fronting the site is being stabilised with established dune vegetation.

- **Preliminary Site Investigation (Contamination)**

A Preliminary Site Investigation (Contamination) prepared by Douglas Partners was submitted as a supporting document.

Acid Sulfate Soil (ASS)

The land is mapped as Class 3 ASS. Field samples were collected to a maximum depth of 4 m BGL and analysed for ASS. The results of the field testing and analytical screening indicate that actual ASS is not present on the land up to the proposed depth for this development. Therefore, an ASS Management is not required, provided excavations do not exceed 4 m BGL.

Contamination/ SEPP 55/ Asbestos Containing Material ('ACM')/ Hazardous Materials

Previous and existing land uses include residential and commercial (motel) which are not potentially contaminating activities. However, stockpiles of building rubble and fill (including ACM) were observed during the site inspection. The existing motel was built prior to 1978, therefore it is considered that hazardous building materials, including ACM, are present within the structure. Samples collected to test for ASS encountered fill material including possible ACM below the ground surface. Groundwater was encountered at a minimum depth of 2.5 m BGL.

The Report's recommendations are supported, including:

- Preparation of a pre demolition hazardous building material survey by an occupational hygienist,
- all demolition work to be completed by a licensed asbestos demolition contractor and a clearance certificate provided post demolition by an occupational hygienist,
- a Stage 2 contaminated site assessment to be prepared post demolition (so that soils under the structures can be accessed) and a Stage 3 Remediation Action Plan. A Stage 4 Validation plan would also be required.

***Has the planning proposal adequately addressed any social and economic impacts?***

- **Social and Economic Impacts**

The planning proposal will result in positive social and economic impacts in the area. The proposal will lead to increased residential densities which will support the various retail shops and services in the Ettalong Beach local centre. A mix of housing sizes and price points will also cater for different socio-economic groups and life stages.

The planning proposal will result in a number of short-term economic benefits. The increased density will permit a development, which has a higher capital value and generates more construction jobs than a smaller development within the existing controls.

An Economic Assessment by MDA Property states that retail/commercial development should be encouraged within Ettalong Beach centre to address current demand due to the limited options for the supply of quality medium to high density residential and retail/commercial space in the area.

The report also adds that the proposed mixed use development is not expected to result in any adverse social or economic impacts in the locality as evidenced by adjoining five to seven storey mixed use development at No 49 The Esplanade.

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## **Section D – State and Commonwealth Interests**

### **9. Is there adequate public infrastructure for the planning proposal?**

The subject site is located close to a range of services and transport connections including a regular bus service with connections to Woy Woy railway station and Erina Fair as well as a ferry service to Palm Beach in the Northern Beaches area of Sydney.

The Ettalong Beach Foreshore Reserve includes children's play areas, barbecue facilities, cycleway / shared pathway and landscaping. The shared pathway on the south side of The Esplanade links Ettalong Beach with Umina Beach to the south.

The subject site falls within the established retail/commercial and residential sector of Ettalong Beach fronting The Esplanade which has kerb and gutter and sealed pavement together with stormwater drainage, power, water, sewer and telecommunications. The subject lots have secondary frontage to the rear laneway which is bitumen sealed but without kerb and gutter. Kerb side car parking is available adjacent to the development on The Esplanade.

#### **• Traffic Generation, Design and Transport**

A Traffic and Parking Impact Assessment prepared by TTPA Transport and Planning Associates was submitted as a supporting document.

#### Access

Vehicle access would be provided at the rear access lane and involve a single level basement of 66 car spaces while a loading bay will be provided at-grade with a separate access at the rear lane. The vehicle access arrangements are considered satisfactory.

#### Traffic

The traffic assessment shows that the intensified uses resulting from the Planning Proposal will have no adverse traffic implications on the surrounding road network.

#### Carparking

The proposed arrangement represents a shortfall of 7 spaces. The Study claims this is acceptable in the context of this site because:

- there are only 3 commercial units in the complex (with a parking requirement of 28 spaces)
- the site is in the local town centre with convenient access to ready transport services

The parking shortfall of 7 spaces for commercial is not supported as there are presently limited available total parking on nearby locations. It is also noted that the Car Parking Contributions Plan is oversubscribed. Proposed carparking in accordance with *Gosford DCP 2013* will be required to be provided on-site.

#### **• Services (Water, Sewer, Electricity, Gas, Internet)**

All required services are currently available or can be suitably upgraded to accommodate an intensification of residential development of the subject land.

**10. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation with the following agencies is proposed, based on the identified triggers and site constraints:

**Table 6:** Agency Consultation

Agency	Trigger/Constraint
Department of Planning, Industry and Environment	- Legislative amendments
Transport for NSW-RMS	- Proximity to State road
Office of Environment & Heritage Regional Operations Group Water Floodplains & Coast	- 40m of waterway
Department of Primary Industries - Fisheries	- 40m of waterway

## Part 4 Mapping

**Table 7:** Existing and Proposed Provisions (Refer 03 Supporting Documentation - Mapping)

Map	Map Title
A.	Locality Plan
<b>Existing Provisions – Gosford LEP 2014</b>	
B.	Floor Space Ratio Map FSR_ 016C
C.	Height of Building Map HOB_ 016C
D.	Development Incentives Map CL1_ 016CA
<b>Proposed Provisions – Gosford LEP 2014</b>	
E.	Floor Space Ratio Map FSR_ 016C
F.	Height of Building Map HOB_ 016C
G.	Development Incentives Map CL1_ 016CA

## Part 5 Community Consultation

The proposal will be made available for **28** days for community/agency consultation and undertaken in accordance with any determinations made by the Gateway.

It is expected that the proposal will be made available at the following locations:

- Office;
- Library and
- Council's website: <http://www.haveyoursaycentralcoast.com.au/>

Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders prior to its commencement.

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## Part 6 **Project Timeline**

**Table 8:** Key Project Timeframes

Action	Period	Start Date	End Date
Anticipated commencement date (date of Gateway Determination)	4 weeks	3 Nov 21	1 Dec 21
Anticipated timeframe for the completion of required technical information	16 weeks	2 Dec 21	24 Mar 22
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	4 weeks	25 Mar 22	22 Apr 22
Commencement and completion dates for public exhibition	4 weeks	2 May 22	23 May 22
Dates for public hearing (if required)	N/A	N/A	N/A
Timeframe for consideration of submissions	2 weeks	25 May 22	8 Jun 22
Timeframe for consideration of a proposal post exhibition	8 weeks	10 June 22	5 Aug 22
Date of submission to the Department to finalise LEP	2 weeks	8 Aug 22	22 Aug 22
Anticipated date RPA will make the plan (if delegated)	2 weeks	12 Aug 22	26 Aug 22
Anticipated date RPA will forward to the Department for notification	2 weeks	29 Aug 22	12 Sep 22



## Supporting Documentation

**Table 9:** Supporting Documentation to the Planning Proposal

No.	Document
<b>01 Assessment and Endorsement</b>	
A.	Council Report and Minutes – 29 June 2021
B.	Central Coast Regional Plan 2036 Assessment
C.	State Environmental Planning Policy Assessment
D.	Section 9.1 Ministerial Direction Assessment
<b>02 Land Use Provisions</b>	
A.	Land Use Tables, Draft Local Provisions
B.	Draft Voluntary Planning Agreement & Explanatory Note (to be developed)
<b>03 Mapping</b>	
A.	Locality Plan
<b>Existing Provisions – Gosford LEP 2014</b>	
B.	Floor Space Ratio Map FSR_ 016C
C.	Height of Building Map HOB_ 016C
D.	Development Incentives Map CL1_ 016CA
<b>Proposed Provisions – Gosford LEP 2014</b>	
E.	Floor Space Ratio Map FSR_ 016C
F.	Height of Building Map HOB_ 016C
G.	Development Incentives Map CL1_ 016CA
<b>04 Supporting Studies</b>	
A.	Architectural Design Report prepared by Ian Bassett and Partners; Concept Plans 19667 SK 01 to SK 14 Revision 1 prepared by Howard Leslie and Associates
B.	Traffic and Parking Assessment Report prepared by Transport and Traffic Planning Associates
C.	Preliminary Site Investigation -Contamination prepared by Douglas Partners

No.	Document
D.	Economic Assessment by MDA Property

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# 01

## **Assessment & Endorsement**

**A. Council Report and Minutes**

**Item No:** 2.6  
**Title:** Request to Prepare a Planning Proposal for 43-49  
The Esplanade, Ettalong Beach  
**Department:** Environment and Planning

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29 June 2021 Ordinary Council Meeting

Reference: 083.2019.00000106.001 - D14595234  
Author: Melati Lye, Senior Strategic Planner  
Jared Phillips, Section Manager, City Planning and Design  
Manager: David Milliken, Unit Manager Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

## **Recommendation**

- 1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (if in effect), to:**
  - c increase the maximum building height from 11.5m to 17m and floor space ratio from 1:1 to 1.75:1 on the following lots:**
    - Lot 117 in DP 10650 (No 46 The Esplanade);
    - Lot 118 in DP 10650 (No 46 The Esplanade);
    - Lot 119 in DP 10650 (No 46 The Esplanade);
    - Lot 120 in DP 10650 (No 45 The Esplanade);
    - Lot 121 in DP 10650 (No 44 The Esplanade); and
    - Lot 122 in DP 10650 (No 43 The Esplanade), and
  - d to increase the maximum building height and floor space ratio on Lot 2 in DP1249007 and 0/SP 99403 (No 49 The Esplanade) to be consistent with the planning controls approved as part of the State Significant Project Approval (MP 09\_0121) for this site.**
- 2 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination**
- 3 That Council request delegation for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979**
- 4 That Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA (if required).**

- 5     *That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements***
- 6     *That Council considers a further report on the results of public authority and community consultation***

## **Report purpose**

To consider a request to prepare a Planning Proposal to increase the maximum building height and floor space ratio of various lots with frontage to The Esplanade, Ettalong Beach.

## **Executive Summary**

Council has received a request to prepare a Planning Proposal to amend Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (LEP) if in effect. The request seeks to increase the maximum building height and floor space ratio permitted on Lot 117 to Lot 122 DP 10650, Lot 2 in DP1249007 and O/SP 99403 (43-49 The Esplanade), Ettalong Beach.

The request to amend the maximum building height, FSR and consolidation of lots is considered to have strategic merit, as it allows infill development in an area that is supported by existing infrastructure and at a scale that is consistent with surrounding development.

This report seeks Council's endorsement to prepare a Planning Proposal and request a Gateway Determination from the NSW Department of Planning, Industry and Environment (DPIE).

This matter was referred to the Local Planning Panel (LPP) on the 10 June 2021. The LPP supports Council's recommendation and supports the strategic intent of the proposal for redevelopment of this key site and considers that it has site specific merit, subject to the following qualifications:

- Proposed height and FSR for No. 43-46 The Esplanade, Ettalong Beach is supportable provided the site is developed as one consolidated lot. Standards relating to minimum allotment size, minimum frontage and site consolidation must be included within the LEP.
- The proposed LEP controls rely on detailed urban design controls being developed in a future Development Control Plan, which should preferably be exhibited alongside the Planning Proposal. If this is not possible then the DCP should be finalised prior to the gazettal of the amending LEP. This should include, but not be limited to:
  - limiting the overshadowing of the beach and open public space and bushland in the area
  - allowing for view sharing to the water from other B2 zoned land in the centre
  - providing for acceptable building separation and setbacks and
  - active street frontage provisions
  - transition in height to the adjacent low density areas
  - design excellence

- The Panel supports the proposed intent to prepare a Planning Agreement alongside a Planning Proposal.
- The Panel requests consideration as part of the Planning Proposal of public benefits such as affordable housing, through site links and public realm improvements along The Esplanade and Picnic Parade.

## Report

Council received a request to amend the *Gosford Local Environmental Plan 2014* (GLEP) (or the *Central Coast Local Environmental Plan* (CCLEP)) to increase the permitted maximum building height from 11.5 metres (approximately 3 storeys) to 17 metres (approximately 5 storeys), and the permitted maximum floor space ratio (FSR) from 1:1 to 2:1 under.

The Planning Proposal relates to seven parcels, Lot 117- 122 in DP 10650 and Lot 2 in DP1249007 and 0/SP 99403 (No 43 -49 The Esplanade), zoned B2 Local Centre located opposite the waterfront at Ettalong Beach. The subject lots are in multiple ownership.

Concept plans accompanying the planning proposal indicate a single development on six parcels, Lot 117- 122 in DP 10650 (No 43-46 The Esplanade) comprising of one level of basement parking, a ground floor of predominantly commercial areas, and four (4) storeys of residential units in two small towers.

There is a recently completed development on Lot 2 in DP1249007 and 0/SP 99403 (No 49 The Esplanade) approved under the State Significant Development provisions of the *Environmental Planning and Assessment Act 1979*.

The proposed increase in building height and FSR, is subject to several considerations as follows:

1. The planning controls in this waterfront location are intended to limit overshadowing of the beach and public open space, allow for view sharing to the water from other B2 Local Centre zoned land and provide a transition to the lower density residential land to the east.

Following review of the proposal by staff, a set of revised concept plans accompanied by the Design Quality Statement (prepared by a Registered Architect) was submitted by the applicant. The Design Quality Statement provides key points that establishes how the proposal satisfies the design quality principles outlined in Schedule 1 of *State Environmental Planning Policy No 65 (SEPP)*. The revised concept plans are generally consistent with the objectives of the SEPP.

2. The maximum height of 17 metres or 5 storeys is an appropriate transition from the Mantra Resort (9 storey) and the Atlantis (5-7 storey) developments to the west, The Ettalong Hotel (4 storey) to the north, down to the 1-2 storey residential to the east.



3. The FSR has been reduced from 2:1 to 1.75:1 to better reflect the concept plan submitted with the Planning Proposal. The density of 1.75:1 allows for appropriate building setbacks, building separation, and a stepped-down transition to the low-density residential development to the east.
4. The proposal relates to a development that occupies 6 parcels known as Lot 117- 122 in DP 10650 (43-46 The Esplanade) Ettalong Beach. Consolidation of these parcels is proposed in order to avoid a poor urban design outcome if the lots were developed independently. This can be achieved either by a Voluntary Planning Agreement or an appropriate provision under the GLEP or CCLEP. The mechanism will be formalised following issue of a Gateway Determination.
5. Lot 2 in DP1249007 and 0/SP 99403 (No 49 The Esplanade) forms part of the Planning Proposal but is not included in the concept plans of the future development. The planning controls for this lot will be reviewed to be consistent with the State Significant Project Approval for the site, as the current controls do not reflect the existing approved development.
6. The proponent has confirmed that a public benefit, in the form of agreed public domain improvements, will be delivered as part of the development. The public benefit will be detailed in a Voluntary Planning Agreement (VPA) and placed on public exhibition alongside the Planning Proposal and delivered as part of the development. The proposed public benefit will be in addition to the Section 7.11 Contributions applicable to the development. The VPA will be formalised following issue of a Gateway Determination.
7. The concept plans show a shortfall in the provision of carparking for the commercial/retail floorspace. The Carparking Contributions Plan is oversubscribed and is currently not accepting contributions in lieu of carparking. As such the required carparking will need to be accommodated on the subject site.

## **Report**

The request to amend the maximum building height, FSR and consolidation of lots is considered to have strategic merit, as it allows infill development in an area that is supported by existing infrastructure and at a scale that is consistent with surrounding development. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

## **Consultation**

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly.

## **Financial Considerations**

At its meeting held 19 October 2020, Council resolved the following:

*1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

Adoption of the recommendation has no budget implications for Council. The direct cost to Council is the preparation of the planning proposal which will be charged as per Council's fees and charges on a cost recovery basis.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal 1: Balanced and sustainable development**

R-14: Provide a range of housing options to meet the diverse and changing needs of the community and there is adequate affordable housing.

### **Central Coast Interim Local Strategic Planning Statement**

The Central Coast Interim Local Strategic Planning Statement (LSPS) came into effect on 21 August 2020, following adoption by Council on 29 June 2020.

The LSPS sets a new strategic direction for sustainable growth by focusing future development within the existing urban footprint within our Centres and Corridors. The proposal to increase residential density in an existing local centre (Ettalong Beach) by amending the building height and floor space ratio controls is consistent with relevant provisions of the LSPS. An assessment against the LSPS is provided in Attachment 2.

### **Risk Management**

There have been no risks identified at this stage to the natural and built environment associated with the proposed amendment to GLEP 2014 or the CCLEP, about seeking a Gateway Determination.

### **Options**

- 1 Support the Recommendation. **This is the recommended option.**  
The Planning Proposal has strategic merit, as it allows infill development in an area that is supported by existing infrastructure and at a scale that is consistent with surrounding development.
- 2 Refuse to support the Request for a Planning Proposal (This is not the recommended option).

Option 2 is not recommended as the current planning controls would not provide the necessary yield for a feasible contemporary development of the subject site and adequately respond to the strategic opportunities identified in this proposal. As such, a Planning Proposal provides a distinct benefit for the locality that would not otherwise be achievable through the current controls.

## **Conclusion**

The request to increase maximum building height and floor space ratio is considered to have strategic merit. It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

## **Attachments**

- |          |   |                               |           |
|----------|---|-------------------------------|-----------|
| <b>1</b> | Summary PP 106 2019 43-49 The Esplanade, Ettalong Beach | Provided Under Separate Cover | D14594653 |
| <b>2</b> | PP 106 2019 43-49 The Esplanade, Ettalong Beach         | Provided Under Separate Cover | D14597255 |
| <b>3</b> | CCLPP - Record of Planning Proposal Advice              | Provided Under Separate Cover | D14693370 |

## **2.6 Request to Prepare a Planning Proposal for 43-49 The Esplanade, Ettalong Beach**

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Time commenced: 7.59pm

Mr Peter Gillis addressed the meeting at 8.00pm

Resolved

**1 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (if in effect), to:**

*e increase the maximum building height from 11.5m to 17m and floor space ratio from 1:1 to 1.75:1 on the following lots:*

- Lot 117 in DP 10650 (No 46 The Esplanade);
- Lot 118 in DP 10650 (No 46 The Esplanade);
- Lot 119 in DP 10650 (No 46 The Esplanade);
- Lot 120 in DP 10650 (No 45 The Esplanade);
- Lot 121 in DP 10650 (No 44 The Esplanade); and
- Lot 122 in DP 10650 (No 43 The Esplanade), and

*f to increase the maximum building height and floor space ratio on Lot 2 in DP1249007 and O/SP 99403 (No 49 The Esplanade) to be consistent with the planning controls approved as part of the State Significant Project Approval (MP 09\_0121) for this site.*

**2 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination**

- 3     *That Council request delegation for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979***
  
- 4     *That Council authorise the Chief Executive Officer (or delegate) to enter into a Planning Agreement (PA), and to negotiate and execute all documentation in relation to the finalisation of the PA (if required).***
  
- 5     *That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements***
  
- 6     *That Council considers a further report on the results of public authority and community consultation***

## B. Central Coast Regional Plan Assessment

Central Coast Regional Plan 2036		
Direction	Applicable	Assessment/Comment
1. Grow Gosford City Centre as the region's capital	N/A	The proposal is not located within the Gosford City Centre.
2. Focus economic development in the Southern and Northern Growth Corridors	N/A	The proposal is not within the Southern or Northern Growth Corridors.
3. Support priority economic sectors	Yes	The proposal is consistent with this direction as it seeks to promote growth and renewal in local centres (Action 3.1).
4. Strengthen inter-regional and intra-regional connections for business	Yes	The proposal is consistent with this Direction as it seeks to strengthen business and employment in the region.
5. Support new and expanded industrial activity	N/A	The proposal does not relate to industrial activity
6. Strengthen the economic self-determination of Aboriginal communities	N/A	The subject proposal is not located on land owned by the Aboriginal community.
7. Increase job containment in the region	Yes	The proposal will create local employment opportunities by providing additional retail/commercial floor space for new businesses.
8. Recognise the cultural landscape of the Central Coast	Yes	The proposal relates to an existing development area and does not detract from the cultural landscape of the Central Coast.
9. Protect and enhance productive agricultural land	N/A	The subject site is in an existing centre and does not affect productive agricultural land.
10. Secure the productivity and capacity of resource lands	N/A	The subject proposal is not located on or near resource lands.
11. Sustain and balance productive landscapes west of the M1	N/A	The subject site is not located west of the M1 Motorway.
12. Protect and manage environmental values	Yes	The proposal is located within an existing developed site and will not affect existing environmental values.
13. Sustain water quality and security	Yes	The proposal is located within an existing urban area with potential access to the existing drainage infrastructure. It is not expected to affect coastal water quality.

Central Coast Regional Plan 2036		
Direction	Applicable	Assessment/Comment
14. Protect the coast and manage natural hazards and climate change	Yes	The Brisbane Water Foreshore Flood Study 2013 does not show the subject site as being affected by the current 1% AEP event. Also, the minimum floor level of 4m AHD is deemed to satisfy the flood planning level, including allowance for sea level rise.
15. Create a well-planned, compact settlement pattern	Yes	The proposal will provide more housing and jobs within an established urban area to reinforce a compact settlement pattern .
16. Grow investment opportunities in the region's centres	Yes	The subject proposal will provide additional retail and residential (mixed use) investment opportunities in the Ettalong Beach local centre.
17. Align land use and infrastructure planning	Yes	Located within a local centre the subject proposal will utilise existing infrastructure and services.
18. Create places that are inclusive, well-designed and offer attractive lifestyles	Yes	The subject proposal (including proposed public domain improvements under a Voluntary Planning Agreement) will facilitate mixed use development in an under-utilised beach front location close to transport and services.
19. Accelerate housing supply and improve housing choice	Yes	The subject proposal will increase housing supply and choice within the Ettalong Beach local centre.
20. Grow housing choice in and around local centres	Yes	The subject proposal will provide more housing options (mix of apartments) with easy access to the local centre.
21. Provide housing choice to meet community needs	Yes	By providing a mix of small to medium sized apartments, the subject proposal will cater to a range of community needs.
22. Deliver housing in new release areas that are best suited to building new communities	N/A	The subject site is not within a new release area.
23. Manage rural lifestyles	N/A	The subject site is not located within a rural area.



### C. State / Regional Environmental Planning Policy Assessment

State /Regional Environmental Planning Policy	Consistency
<b>SREP 8 – Central Coast Plateau Areas</b>	
<p>Aims:</p> <ul style="list-style-type: none"> <li>(a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,</li> <li>(b) to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability,</li> <li>(c) Repealed</li> <li>(d) to protect regionally significant mining resources and extractive materials from sterilization,</li> <li>(e) to enable development for the purposes of extractive industries in specified locations,</li> <li>(f) Repealed</li> <li>(g) to protect the natural ecosystems of the region, and</li> <li>(h) to maintain opportunities for wildlife movement across the region, and</li> <li>(i) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and</li> <li>(j) to encourage the preparation of draft local environmental plans based on merits.</li> </ul>	<p>Not applicable.</p> <p>The subject site is not located within the Central Coast Plateau.</p>
<b>SEPP No. 55 – Remediation of Land</b>	
<p>Aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <ul style="list-style-type: none"> <li>(d) by specifying when consent is required, and when it is not required, for a remediation work, and</li> <li>(e) by specifying certain considerations that are relevant in rezoning land and in determining</li> </ul>	<p>Consistent.</p> <p>Previous and existing land uses include residential and commercial (motel) which are not potentially contaminating activities.</p> <p>The existing motel was built prior to 1978, therefore it is considered that hazardous building materials, including ACM, are present</p>

State /Regional Environmental Planning Policy	Consistency
<p>(f) development applications in general and development applications for consent to carry out a remediation work in particular, and by requiring that a remediation work meet certain standards and notification requirements.</p>	<p>within the structure. Groundwater was encountered at a minimum depth of 2.5 m BGL.</p> <p>The Geotechnical Report's recommendations are supported, including:</p> <ul style="list-style-type: none"> <li>- Preparation of a pre demolition hazardous building material survey by an occupational hygienist,</li> <li>- all demolition work to be completed by a licensed asbestos demolition contractor and a clearance certificate provided post demolition by an occupational hygienist,</li> <li>- a Stage 2 contaminated site assessment to be prepared post demolition (so that soils under the structures can be accessed) and a Stage 3 Remediation Action Plan. A Stage 4 Validation plan would also be required.</li> </ul>
<b>SEPP No. 19 – Bushland in Urban Areas</b>	
<p>Aims to protect and preserve bushland within urban areas because of:</p> <p>(a) Its value to the community as part of the natural heritage,</p> <p>(b) Its aesthetic value, and</p> <p>(c) Its value as a recreational, educational and scientific resource</p>	<p>Not applicable.</p> <p>The subject site is located in an urban area which has been cleared and developed.</p>
<b>SEPP (Koala Habitat Protection) 2019</b>	
<p>This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>	<p>Not applicable.</p> <p>The subject site is located within an urban area which has been cleared and developed.</p>
<b>SEPP (Coastal Management) 2018</b>	
<p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with objects of the <i>Coastal Management Act 2016</i>, including the management objectives for each coastal management area, by:</p>	<p>Consistent</p> <p>The subject site is located within the Coastal Protection Environment Area. The matters outlined in Clause 13 of the SEPP have been considered:</p>

State /Regional Environmental Planning Policy	Consistency
<p>(d) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(e) establishing a framework for land use planning to guide and decision-making in the coastal zone, and</p> <p>(f) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</p> <p><b>13 Development on land within the coastal environment area</b></p> <p>Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <ul style="list-style-type: none"> <li>- the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</li> <li>- coastal environmental values and natural coastal processes,</li> <li>- the water quality of the marine estate (within the meaning of the <a href="#">Marine Estate Management Act 2014</a>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</li> <li>- marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</li> <li>- existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</li> <li>- Aboriginal cultural heritage, practices and places,</li> <li>- the use of the surf zone.</li> </ul>	<ul style="list-style-type: none"> <li>- The proposal does not affect access to and along coastal foreshores;</li> <li>- The subject lots at 43-49 The Esplanade, Ettalong Beach has been fully developed for urban use and does not contain any remnant native vegetation or is likely to contain Aboriginal artefacts;</li> <li>- The subject lots are not affected by overland flooding in the 1% AEP event (<i>Brisbane Water Foreshore Floodplain Risk Management Study and Plan 2015</i>);</li> <li>- The minimum floor level in the proposed development satisfies Floodplain Development requirements;</li> <li>- The site is located landward of the road (The Esplanade) and is not subject to immediate coastal hazards as per current Gosford Coastal Zone Management Plan (Gosford CZMP). From a coastal engineering perspective, the rezoning proposal is considered suitable to process within the confines in Chapter 6.2 Coastal Frontage of the <i>Gosford DCP 2013</i>.</li> </ul>

State /Regional Environmental Planning Policy	Consistency
<b>SEPP (Mining, Petroleum &amp; Extractive Industries) 2007</b>	
<p>Aims:</p> <ul style="list-style-type: none"> <li>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</li> <li>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</li> <li>(b1)to promote the development of significant mineral resources, and</li> <li>(c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</li> <li>(d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development: <ul style="list-style-type: none"> <li>(i) to recognise the importance of agricultural resources, and</li> <li>(ii) to ensure protection of strategic agricultural land and water resources, and</li> <li>(iii)to ensure a balanced use of land by potentially competing industries, and</li> </ul> </li> <li>(iv) to provide for the sustainable growth for mining, petroleum and agricultural industries.</li> </ul>	<p>Not applicable.</p> <p>The subject site is located within an urban area</p>
<b>SEPP (Vegetation in Non-Rural Areas) 2017</b>	
<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> <li>(a) to establish the process for assessing and identifying sites as urban renewal precincts,</li> <li>(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</li> <li>(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the</li> </ul>	<p>Not applicable.</p> <p>The subject site is located within an urban area which has been cleared and developed.</p>

State /Regional Environmental Planning Policy	Consistency
renewal of urban areas that are accessible by public transport.	
<b>SEPP 65 – Design Quality of Residential Apartment Development</b>	
<p>Aims:</p> <p>(1) This Policy aims to improve the design quality of residential apartment development in New South Wales.</p> <p>(2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.</p> <p>(3) Improving the design quality of residential apartment development aims:</p> <p>(a) to ensure that it contributes to the sustainable development of New South Wales:</p> <p>(i) by providing sustainable housing in social and environmental terms, and</p> <p>(ii) by being a long-term asset to its neighbourhood, and</p> <p>(iii) by achieving the urban planning policies for its regional and local contexts, and</p> <p>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</p> <p>(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and</p> <p>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</p> <p>(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and</p> <p>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</p> <p>(g) to support housing affordability, and</p> <p>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</p> <p>(4) This Policy aims to provide:</p> <p>(a) consistency of policy and mechanisms across the State, and</p>	<p>Consistent.</p> <p>A Design Quality Statement submitted as part of the proposal addresses the principles of SEPP 65 as follows:</p> <ul style="list-style-type: none"> <li>- The architectural character and built form of the proposed development have been informed by the aspects and salient features of the site and surrounding contextual character and forms.</li> <li>- The major design influence and the resolution of the two pavilions atop a ground level podium is derived by the desire to maintain as far as practicable, breeze corridors and view sharing to the water from other B2 zoned land, limit overshadowing of the beach and public open space, allow for and provide a transition to the lower density residential land to the east.</li> <li>- The street presence of the development has been informed by the site surroundings. Pedestrian access to commercial spaces is possible from both The Esplanade &amp; the subsequent laneway created by the neighbouring "Atlantis" development. This will allow the building to relate back to The Esplanade and beach beyond whilst providing activation of the pedestrian laneway.</li> <li>- To the east, where there are adjoining residential zones across the street, ground level apartments with street level open space and landscaping will compliment and transition the development to the public space.</li> <li>- Carparking access to a basement is proposed from the northern service laneway, along with access to other</li> </ul>

State /Regional Environmental Planning Policy	Consistency
(b) a framework for local and regional planning to achieve identified outcomes for specific places.	<p>building utilities, limiting traffic impact on The Esplanade.</p> <ul style="list-style-type: none"> <li>- The apartments are positioned and designed to maximise the site aspect and attributes and will be designed to best respond to the existing site conditions. Priorities will be to capture views over Ettalong Beach, whilst equitably sharing views through the site. With the ocean views predominantly south facing, the challenges of maintaining solar access will be considered. Wind directions, landscaping and appropriate shading of windows and external areas will be incorporated to provide quality environments for both residents and commercial visitors to the site.</li> </ul>
<b>SEPP (Aboriginal Land) 2019</b>	
<p>Aims:</p> <p>(a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and</p> <p>(b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</p>	<p>Not applicable.</p> <p>The subject site is not owned by Local Aboriginal Land Councils.</p>
<b>SEPP (Primary Production and Rural Development) 2019</b>	
<p>The aims of this Policy are as follows—</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine</p>	<p>Not applicable.</p> <p>The subject site is located within an urban area.</p>

State /Regional Environmental Planning Policy	Consistency
<p>maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors</p>	



## D. Ministerial Section 9.1 Directions

Ministerial Section 9.1 Directions		Comment (choose an item)
Employment & Resources		
1.1 Business & Industrial Zones		
<p>Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic centres.</p> <p>Applies when a planning proposal affects land within an existing or proposed business or industrial zone.</p>		<p>Applicable</p> <p>The subject proposal seeks to vary the maximum building height and floor space ratio controls to provide additional retail /commercial/residential uses within a local centre (Ettalong Beach) identified in the Central Coast Regional Plan 2036.</p> <p>The subject proposal is consistent with the requirements of 1.1 Business &amp; Industrial Zones</p>
1.2 Rural Zones		
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>		<p>Not Applicable</p> <p>The subject site is not within an existing or proposed rural zone.</p>
1.3 Mining, Petroleum Production and Extractive Industries		
<p>Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>		<p>Not Applicable</p> <p>The subject site is located within a developed urban area.</p>
1.4 Oyster Aquaculture		
<p>Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in</p>		<p>Not Applicable</p> <p>The subject property is not located close to an oyster aquaculture area or lease.</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
<p>adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	
<b>1.5 Rural Lands</b>	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not Applicable</p> <p>The subject site is not within an existing or proposed rural zone.</p>
<b>Environment &amp; Heritage</b>	
<b>2.1 Environmental Protection Zones</b>	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The subject site is not within or proximate to an environmental protection zone or area.</p> <p>The subject proposal is consistent with the requirements of 2.1 Environmental Protection Zones.</p>
<b>2.2 Coastal Management</b>	
<p>Aims to implement the principles in the NSW Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the <i>Coastal Zone</i>.</p>	<p>Applicable</p> <p>The subject property is not affected by overland flooding in the 1% AEP event (Brisbane Water Foreshore Floodplain Risk Management Study and Plan 2015).</p> <p>The minimum floor level in this proposal satisfies Floodplain Development requirements.</p> <p>The site is located landward of the road (The Esplanade) and is not subject to immediate</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
	<p>coastal hazards as per current <i>Gosford Coastal Zone Management Plan</i> (Gosford CZMP). From a coastal engineering perspective, the rezoning proposal is considered suitable to process within the confines in Chapter 6.2 Coastal Frontage of the <i>Gosford DCP 2013</i>.</p> <p>The subject proposal is consistent with this requirement.</p>
<b>2.3 Heritage Conservation</b>	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable</p> <p>The subject site is not located in close proximity of any known items of heritage significance.</p> <p>Based on the long term usage of the site for residential and commercial purposes, it is not likely that there are any items of indigenous heritage significance.</p> <p>The subject proposal is consistent with this requirement.</p>
<b>2.4 Recreational Vehicle Areas</b>	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Not Applicable</p> <p>The proposal does not include recreational vehicle areas and is consistent with this requirement.</p>
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	
<p>Aims to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>2.6 Remediation of Contaminated Lands</b>	
<p>Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Applicable</p> <p>Previous and existing land uses include residential and commercial (motel) which are</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
	<p>not potentially contaminating activities. However, stockpiles of building rubble and fill (including ACM) were observed during the site inspection. The existing motel was built prior to 1978, therefore it is considered that hazardous building materials, including ACM, are present within the structure. Samples collected to test for ASS encountered fill material including possible ACM below the ground surface. Groundwater was encountered at a minimum depth of 2.5 m BGL.</p> <p>The following conditions are recommended at the development stage to address this requirement:</p> <ul style="list-style-type: none"> <li>- Preparation of a pre demolition hazardous building material survey by an occupational hygienist,</li> <li>- All demolition work to be completed by a licensed asbestos demolition contractor and a clearance certificate provided post demolition by an occupational hygienist,</li> <li>- A Stage 2 contaminated site assessment to be prepared post demolition (so that soils under the structures can be accessed) and a Stage 3 Remediation Action Plan. A Stage 4 Validation plan would also be required.</li> </ul>
<b>Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	
<p>Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands.</p> <p>Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>Applicable</p> <p>The subject proposal seeks to provide a variety of apartment sizes to suit a range of living circumstances, including a mix of quality 1, 2 &amp; 3 bedroom apartments and facilities, with access to existing infrastructure and services (Ettalong Beach local centre and waterfront recreational area).</p> <p>The proposal is consistent with Direction 3.1 Residential Zones.</p>
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	

Ministerial Section 9.1 Directions	Comment (choose an item)
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Not Applicable</p> <p>The proposal does not relate to a caravan park or manufactured home estate.</p>
<b>3.3 Home Occupations</b>	
Repealed	
<b>3.4 Integrating Land Use &amp; Transport</b>	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Applicable</p> <p>The proposal is considered to adequately integrate land use and transport as it seeks to redevelop existing urban land in an established commercial precinct (Ettalong Beach Local Centre).</p> <p>The subject site is located close to a range of services and transport connections including a regular bus service and a ferry service to the north of the site.</p> <p>The proposal is consistent with the requirements of 3.4 Integrating Land Use &amp; Transport.</p>
<b>3.5 Development Near Licensed Aerodromes</b>	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 &amp; 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>Not Applicable</p> <p>Subject site is not located in the vicinity of a licensed aerodrome.</p>
<b>3.6 Shooting Ranges</b>	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that</p>	<p>Not Applicable</p> <p>Subject site is not located in the vicinity of a shooting range.</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
<p>must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>	
<b>3.7 Reduction in non- hosted short term rental accommodation period</b>	
<p>Applies when a Council prepares a planning proposal to identify or reduce the number of days that non-hosted short term rental accommodation may be carried out in parts of its local government area.</p> <p>Applies to Byron Bay Shire Council</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>Hazard &amp; Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Applicable</p> <p>The Acid Sulfate Soils (ASS) map indicates that the subject site is Class 3 and development consent is required for the following;</p> <p>Works more than 1 metre below the natural ground surface.</p> <p>Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</p> <p>ASS screening and analytical testing carried out as part of a Preliminary Site Investigation indicates that the soils on the subject site (to tested depths) are not considered to be ASS and do not require management for ASS.</p> <p>The proposal is consistent with requirements of 4.1 Acid Sulfate soils.</p>
<b>4.2 Mine Subsidence &amp; Unstable Land</b>	
<p>Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district or identified as unstable in a study</p>	<p>Not Applicable</p> <p>The subject site is not within a mine subsidence district.</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	
<b>4.3 Flood Prone Land</b>	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>Not Applicable</p> <p>The subject property is not affected by overland flooding in the 1% AEP event (<i>Brisbane Water Foreshore Floodplain Risk Management Study and Plan 2015</i>).</p>
<b>4.4 Planning for Bushfire Protection</b>	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Not Applicable</p> <p>The subject proposal is not located on or near bushfire prone land.</p>
<b>Regional Planning</b>	
<b>5.2 Sydney Drinking Water Catchments</b>	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<p>Aims to manage commercial and retail development along the Pacific Highway, North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.9 North West Rail Link Corridor Strategy</b>	
<p>Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p> <p>Applies to the This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>5.10 Implementation of Regional Plans</b>	
<p>Aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained within regional plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal that is located on land addressed within a regional plan.</p>	<p>Applicable</p> <p>The subject proposal will create local employment opportunities by providing additional retail/commercial floor space for new businesses.</p> <p>The proposal will also provide more housing options close to a local centre, existing infrastructure, services and transport.</p> <p>The proposal is consistent with the Central Coast Regional Plan 2036 (Refer detail assessment – Table 1) and this requirement.</p>
<b>5.11 Development of Aboriginal Land Council Land</b>	



<b>Ministerial Section 9.1 Directions</b>		<b>Comment (choose an item)</b>
<p>Aims to provide for the consideration of development delivery plans prepared under the State Environmental Planning Policy (Aboriginal Land) 2019.</p> <p>Applies when the relevant planning authority prepares a planning proposal for land shown on the Land Application Map of the SEPP (Aboriginal Lands) 2019.</p>		<p>Not Applicable</p> <p>The subject property is not owned by the Local Aboriginal Land Council.</p>
<b>Local Plan Making</b>		
<b>6.1 Approval and Referral Requirements</b>		
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>		<p>Applicable</p> <p>The proposal will not impact upon the efficient and appropriate assessment of development and is consistent with this requirement.</p>
<b>6.2 Reserving Land for Public Purposes</b>		
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes; and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>		<p>Applicable</p> <p>The Planning Proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes and is consistent with this requirement.</p>
<b>6.3 Site Specific Provisions</b>		
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>		<p>Applicable</p> <p>The relevant mapping will be updated only subsequent to this proposal and no additional development standards than currently exist would be applied.</p>
<b>Metropolitan Planning</b>		
<b>7.1 Implementation of a Plan for a Growing Sydney</b>		
Repealed		
<b>7.2 Implementation of Greater Macarthur Land Release Investigations</b>		
<p>Aims to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan.</p>		<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	
Aims to facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor Implementation Tool Kit.	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
Aims to facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor Implementation Tool Kit.	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan).	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	
The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</b>	
The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure	Not Applicable

Ministerial Section 9.1 Directions	Comment (choose an item)
<p>Implementation Plan dated August 2018 (the Stage 1 Land Use and Implementation Plan).</p> <p>This direction applies to Liverpool, Penrith Blue Mountains, Blacktown Campbelltown City Council and Fairfield City Councils, Camden Council and Wollondilly Shire Council.</p>	<p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.9 Implementation of Bayside West Precincts 2036 Plan</b>	
<p>The aim is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).</p> <p>This direction applies to land within the Bayside local government area.</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<b>7.10 Implementation of Planning Principles for the Cooks Cove Precinct</b>	
<p>The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</p> <p>This direction applies to land within the Cooks Cove Precinct in the Bayside local government area, as shown on Map Sheet LAP_001 Cooks Cove Precinct Section 9.1 Direction</p>	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

# 02

## **Land Use Provisions**

## A. Land Use Table

**Gosford Local Environmental Plan 2014** is the principal Environmental Planning Instrument applying to the subject land. The land is currently zoned B2 Local Centre  
Current version for 14 July 2021 to date (accessed 22 July 2021 at 12:23)

### Zone B2 Local Centre

#### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential uses, but only as part of a mixed use development.
- To ensure that development is compatible with the desired future character of the zone.
- To promote ecologically, socially and economically sustainable development.
- To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.
- To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.
- To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.
- To ensure that the different roles of villages are recognised with some villages being key tourist destinations with boutique activities in addition to serving the needs of local residents, while other villages are purpose-built centres to serve the needs of the local population.
- To encourage the residential population of villages and town centres to contribute to the vitality of those locations.

#### 2 Permitted without consent

Recreation areas

#### 3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating

works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

## **Draft Local Provisions, Gosford LEP 2014**

The Height of Building and Floor Space Ratio maps are proposed to be amended to show the 'bonus' height of 17m and 'bonus' FSR of 1.75:1 respectively.

### **4.3 Height of buildings**

(2C) Despite subclause (2), the maximum height of a building on land identified as Lots 117, 118, 119, 120, 121 and 122 DP 10650 The Esplanade Ettalong Beach is 11.5 metres if—

(a) the building is located on a site area that does not comprise of all the lots, and

(b) the basement of the building does not contain car parking with 2 way traffic flow to access that car parking and provide for the turning of vehicles, and

(c) the design and form of the building is not in accordance with a development control plan that

(i) follows good urban design practice, and

(ii) improves the quality and amenity of the public domain, and

(iii) minimises overshadowing of public places and residential premises

### **4.4A Town centres and village centres—floor space ratios**

(6) Despite clause 4.4(2), the maximum floor space ratio for a building that is on land identified as Lots 117, 118, 119, 120, 121 and 122 DP 10650 The Esplanade Ettalong Beach is 1:1 if—

(a) the building is located on a site area not comprising of all the lots, and

(b) the basement of the building does not contain car parking with 2 way traffic flow to access that car parking and provide for the turning of vehicles, and

(c) the design and form of the building is not in accordance with a development control plan that

(i) follows good urban design practice, and

(ii) improves the quality and amenity of the public domain, and

(iii) minimises overshadowing of public places and residential premises

## **Draft Local Provisions, Central Coast LEP 2018**

There are no map amendments proposed.

### **4.3A Exceptions to maximum building height**

14 (a) Despite clause 4.3, the maximum height of a building is 17 metres if the building is located on a site area comprising all of Lots 117, 118, 119, 120, 121 and 122 DP 10650, and

(b) the basement of the building will contain car parking and will provide for 2 way traffic flow to access that car parking and will provide for the turning of vehicles, and

(c) the design and form of the building is in accordance with a development control plan that will

(i) follow good urban design practice, and

(ii) improve the quality and amenity of the public domain, and

(iii) minimise overshadowing of public places and residential premises

#### 4.4A Exceptions to maximum floor space ratios

14 (a) Despite clause 4.4, the maximum floor space ratio for a building is 1.75:1 if the building is located on a site area comprising all of Lots 117, 118, 119, 120, 121 and 122 DP 10650, and

(b) the basement of the building will contain car parking and will provide for 2 way traffic flow to access that car parking and will provide for the turning of vehicles, and

(c) the design and form of the building is in accordance with a development control plan that will

(i) follow good urban design practice, and

(ii) improve the quality and amenity of the public domain, and

(iii) minimise overshadowing of public places and residential premises



**B. Draft Voluntary Planning Agreement & Explanatory Note (to be developed)**

# 03

## **Agency Responses**

# 04

## Mapping

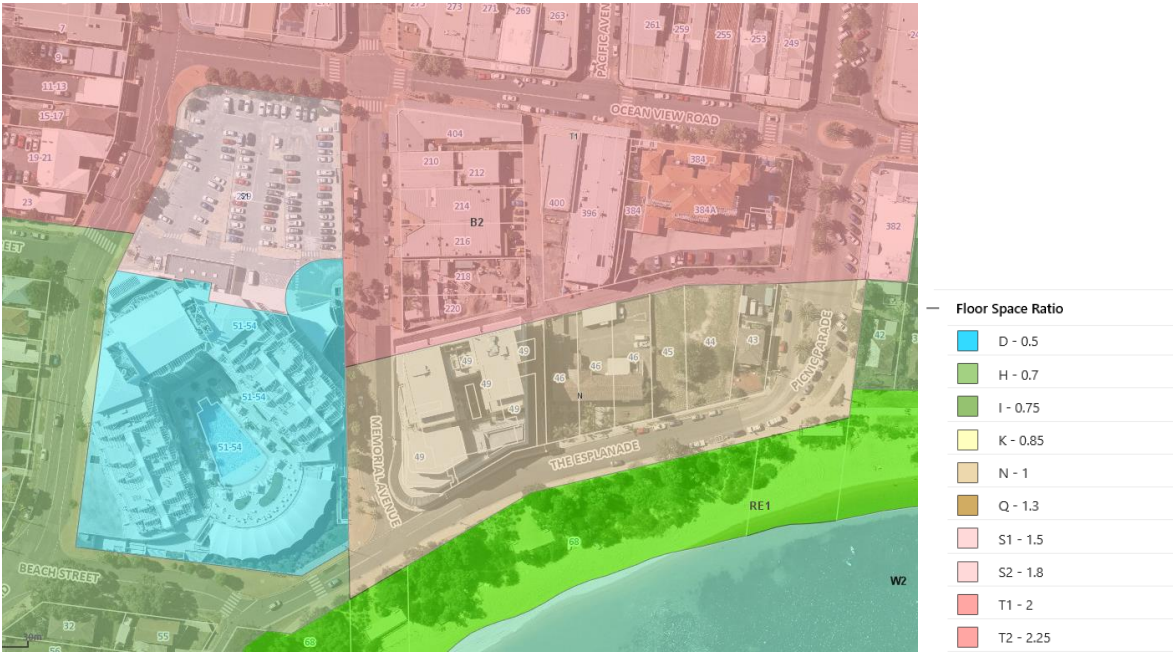
A.	Locality Plan
<b>Existing Provisions, Gosford LEP 2014</b>	
B.	Floor Space Ratio Map FSR_ 016C
C.	Height of Building Map HOB_ 016C
D.	Development Incentives Map CL1_ 016CA
<b>Proposed Provisions, Gosford LEP 2014</b>	
E.	Floor Space Ratio Map FSR_ 016C
F.	Height of Building Map HOB_ 016C
G.	Development Incentives Map CL1_ 016CA

## A. Locality Plan



Existing Provision

B. Floor Space Ratio Map FSR\_ 016C





## Existing Provision

### D. Development Incentives Map CL1\_ 016CA



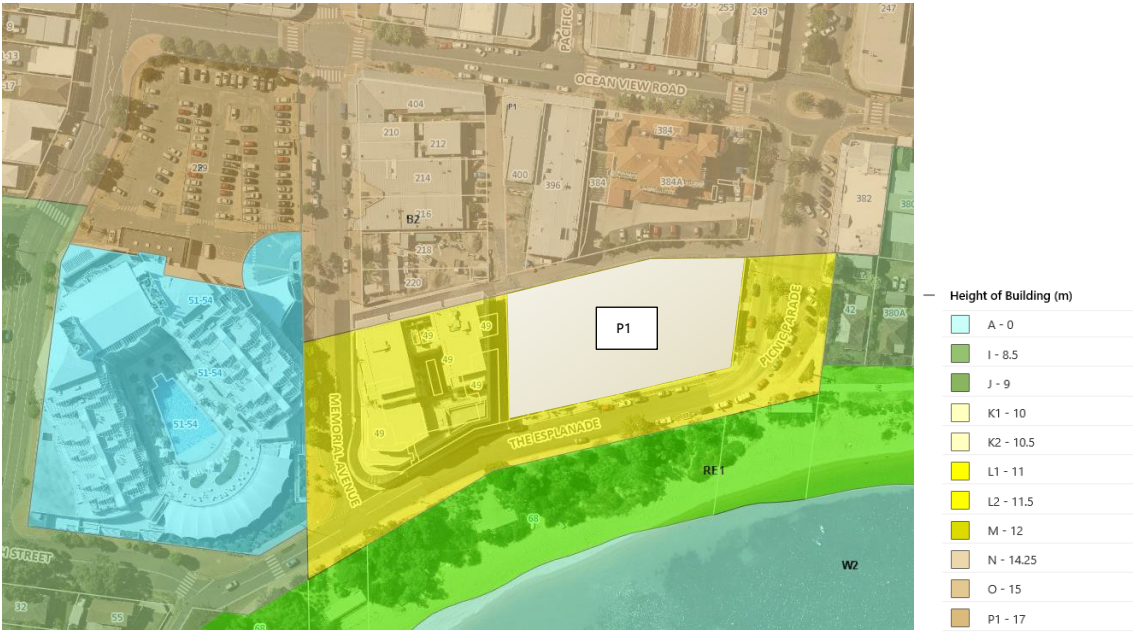
Proposed Provision

E. Floor Space Ratio Map FSR\_ 016C



Proposed Provision

F. Height of Building Map HOB\_ 016C





## Proposed Provision (to be developed)

### G. Development Incentives Map CL1\_ 016CA



# 05

## Studies

A. Architectural Design Report prepared by Ian Bassett and Partners; Concept Plans 19667 SK 01 to SK 14 Revision 1 prepared by Howard Leslie and Associates
B. Traffic and Parking Assessment Report prepared by Transport and Traffic Planning Associates
C. Preliminary Site Investigation -Contamination prepared by Douglas Partners
D. Economic Assessment by MDA Property