



Central
Coast
Council

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

October 22

DRAFT



Planning Proposal

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43-46 The Esplanade
Ettalong Beach

File No: PP/106/2019

Date: September 22

Version 3 – Public Exhibition

Central Coast Council

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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 the *Central Coast Local Environmental Plan 2022* (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 m² (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 the *Central Coast Local Environmental Plan 2022 (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*.

The 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 parking at ground floor behind 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 40 residential units and commercial floor space of some 480m² gross floor area. Vehicle access to 52 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.

A set of revised concept plans A000 to A951 dated June 2022 and Design Quality Statement (refer 05 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 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 by means of appropriate local provisions under the CCLEP.

The Car Parking Contributions Plan is oversubscribed and is currently not accepting contributions in lieu of car parking. As such all 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 submitted 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 in the vicinity of the site, is proposed under a Voluntary Planning Agreement to be exhibited with the Planning Proposal.

Local Planning Panel 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 be 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**

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Part 1 Objectives or Intended Outcomes

The proposal seeks to amend planning controls (applicable to No. 43-46 The Esplanade, Ettalong Beach) under the *Central Coast Local Environmental Plan 2022*, 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 *Central Coast Local Environmental Plan 2022*
 - 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);

Draft Local Provisions, Central Coast Local Environmental Plan 2022

4.3A Exceptions to height of buildings—general

The maximum height of a building on land identified as “The Esplanade” on the [Height of Buildings Map](#) is 17m if—

- (a) the site area is at least 3,000m²

The Height of Buildings Map Additional Controls will show a coloured line around the subject site and wording “The Esplanade”.

4.4B Exceptions to floor space ratio—town centres and village centres

The maximum floor space ratio for a building on land identified as “The Esplanade” on the [Floor Space Ratio Map](#) is 1.75:1 if—

- (a) the site area is at least 3,000m²

The Floor Space Ratio Map Additional Controls will show a coloured line around the subject site and wording “The Esplanade”.

2. Amendment to *Central Coast Development Control Plan 2022* to achieve relevant urban design objectives, including minimise overshadowing, impact on local character and overall design excellence; and
3. Voluntary Planning Agreement to achieve an agreed 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 consistent with Planning Priorities 1, 2, 5 and 8 in the Central Coast Interim *Local Strategic Planning Statement 2020* and Direction 15, 16, 17, 18 and 20 of the *Central Coast Regional Plan 2036*.

Additionally, the proposal is consistent with Objective 3 and 4 of the Draft *Central Coast Regional Plan 2041* to “Create a 15-minute region made up of mixed, multi-modal, inclusive and vibrant local communities” and “Plan for ‘Nimble Neighbourhoods’, diverse housing and sequenced development”; and it is supported by a range of studies summarised below:

- Revised Architectural Design Report - June 2022 (Part 5A - Supporting Studies), prepared by ADG Architects 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 A000 to A951 dated June 2022, showing potential building massing of the future development on the site and the relationship to adjoining properties.
- Revised Traffic and Parking Assessment Report – June 2022 (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.

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)?*

Interim Local Strategic Planning Statement

Council's Interim *Local Strategic Planning Statement 2020* (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 1 – 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
Centres and Corridors	
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.
Housing	
8 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.

Central Coast Local Strategic Planning Statement	
Planning Priorities	Assessment
Economics	
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.

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 consistent with relevant actions identified in the CCRP:

Table 2: 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.

Central Coast Regional Plan 2036		
Direction	Applicable	Assessment/Comment
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 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.

Central Coast Regional Plan 2036		
Direction	Applicable	Assessment/Comment
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.

Draft Central Coast Regional Plan 2041

Table 3: Draft Central Coast Regional Plan Assessment

Draft Central Coast Regional Plan 2041		
Objective	Applicable	Assessment/Comment
1. Leverage connectivity for jobs and prosperity	Yes	The proposed mixed-use development is consistent with this objective as it is appropriately located within the Ettalong Beach Local Centre in proximity to bus infrastructure and the Ettalong Beach Ferry Wharf.
2. Ensure economic self-determination for Aboriginal residents of the Central Coast	N/A	The proposal is not located on land owned by the Aboriginal community.
3. Create a 15-minute region made up of mixed, multi-modal, inclusive and vibrant local communities	Yes	The proposal is consistent with this objective as it will support the choice to live, work and access services within a local centre.
4. Plan for "Nimble Neighbourhoods", diverse housing and sequenced development	Yes	The proposal is consistent with this objective as it seeks to increase housing supply and choice by providing a mix of (1, 2 and 3 bedroom) apartments within a local centre.
5. Connect green infrastructure and quality public spaces to the landscape	Yes	The proposal will include quality public domain improvements in the vicinity of the site to facilitate integration into the streetscape.
6. Reach net zero and increase resilience and sustainable infrastructure	Yes	The proposal is consistent with this objective as it is not affected by overland flooding in the 1% AEP event (<i>Brisbane Water Foreshore Floodplain Risk Management Study and Plan 2015</i>).

Draft Central Coast Regional Plan 2041		
Objective	Applicable	Assessment/Comment
		The minimum floor level in the proposed development satisfies Floodplain Development requirements; and 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).
7. Plan for businesses and services at the heart of healthy, prosperous and innovative communities	Yes	The proposal is consistent with this objective as it provides a mix of uses (housing and retail / commercial uses) within an established local centre to facilitate growth and renewal.

4. *Is the planning proposal consistent with a 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 4 – Community Strategic Plan Assessment

Central Coast Community Strategic Plan		
Objectives		Assessment
THEME - BELONGING		
Focus Area - Creativity, Connection and Local Identity		
B4	Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors	Consistent. The proposal provides a mix of uses (housing / retail / commercial) within the Ettalong Local Centre and foreshore to activate the area.
THEME - SMART		
Focus Area - A Growing and Competitive Region		
C1	Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast	Consistent. The subject proposal will provide additional retail and residential (mixed use) investment opportunities in the Ettalong Beach local centre.
C3	Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents	Consistent. The proposal will provide more housing and jobs within an established urban area.
THEME - RESPONSIBLE		

Central Coast Community Strategic Plan

Objectives		Assessment
Focus Area - Balanced and Sustainable Development		
12	Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport	Consistent. The proposal is consistent with this objective as it is appropriately located within the Ettalong Beach Local Centre in proximity to bus infrastructure, the Ettalong Beach Ferry Wharf and shared pathway along the foreshore.
14	Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing	Consistent. By providing a mix of small to medium sized apartments, the subject proposal will cater to a range of community needs.

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) below:

Table 5 – State Environmental Planning Policy Assessment

State Environmental Planning Policy	Consistency
SEPP Biodiversity and Conservation 2021	
<p>Chapter 2 - Vegetation in non-rural areas</p> <p>The aims of this Chapter are—</p> <ol style="list-style-type: none"> to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. 	<p>Consistent with relevant provisions of this SEPP.</p> <p>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.</p>
SEPP (Resilience and Hazards) 2021	
<p>Chapter 2 Coastal Management</p> <p>Aims 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 with the relevant provisions of this SEPP.</p> <p>The matters outlined in Chapter 2 Coastal Management of the SEPP have been considered.</p> <p>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>);</p>

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 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>Division 4 Coastal use area</p> <p>2.11 Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p>	<p>The minimum floor level in the proposed development 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 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 3.2 Coastal Hazard Management of the <i>Central Coast Development Control Plan 2022</i>.</p> <p>The subject site is located within the Coastal Use Area.</p> <p>Section 2.11 (1) (a)</p> <p>i. The proposal does not affect access to and along coastal foreshores;</p> <p>ii. A site-specific Development Control Plan will apply to the site to minimise overshadowing of the foreshore and public open space, and allow for view sharing;</p> <p>iii. The DCP controls will also limit the visual impact of proposed buildings upon the scenic quality of the coastal setting by stepping down to the foreshore,</p> <p>iv. The subject lots at 43-46 The Esplanade, Ettalong Beach have been fully developed for urban use and does not contain any remnant native vegetation or is likely to contain Aboriginal artefacts;</p> <p>v. There is a heritage dwelling across the road from the site on Picnic Parade. Solar access is to be maintained to the heritage item between 9am and 3pm on June 21. Views from the heritage item to the foreshore are also maintained.</p> <p>(b)</p> <p>i. The DCP controls will provide for a building form (bulk, scale and size) within a landscaped setting that has adequate setbacks from the beach front, the street and adequate separation from low density residential and heritage buildings located on Picnic Parade.</p>

State Environmental Planning Policy	Consistency
<p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	
<p>Chapter 4 – Remediation of land</p> <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 development applications for consent to carry out a remediation work in particular, and</p> <p>c. 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.</p> <p>The Geotechnical Report’s recommendations are supported, including:</p> <ul style="list-style-type: none"> - 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.
SEPP 65 – Design Quality of Residential Apartment Development	
<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>Consistent.</p> <p>A set of revised concept plans A000 to A951 dated June 2022 and Design Quality Statement (refer 05 Supporting Documentation - Studies) were submitted outlining the key points related to compliance with the design quality principles in Schedule 1 of <i>State Environmental Planning Policy No 65</i></p> <p>Principle No. 1: Context and Neighbourhood Character</p>

State Environmental Planning Policy	Consistency
<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>(b) a framework for local and regional planning to achieve identified outcomes for specific places.</p>	<p>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.</p> <p>Principle No. 2: Built Form and Scale and Principle No. 3: Density</p> <p>The major design influence and the resolution of the two pavilions atop a ground level podium is derived 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.</p> <p>Principle No. 4: Sustainability</p> <p>The proposal includes several initiatives that contribute to the efficient use of resources, through sustainable design measures and actively managed systems.</p> <p>Principle No. 5: Landscape</p> <p>The street presence of the proposal has been informed by the site surroundings. Pedestrian access to commercial spaces is possible from both The Esplanade, Picnic Parade & the 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.</p> <p>The design incorporates new street trees, street furniture and paving to create a development that integrates into the area</p> <p>Principle No. 6: Amenity</p> <p>The overall building massing and placement on the site has been largely driven by opportunity for solar access. A minimum of 70% of apartments are designed to receive 3 hours of direct sunlight to living areas in midwinter.</p> <p>Solar access to existing neighbours has been protected so that they retain the same amount of solar access between 9am-3pm on 21 June.</p> <p>Principle No. 7: Safety</p> <p>The design includes measures to restrict, control and manage communal access in and around the proposed development.</p>

State Environmental Planning Policy	Consistency
	<p>Vehicular access is proposed from the northern service laneway, along with access to other building utilities, thereby limiting traffic impact and improving pedestrian safety on The Esplanade.</p> <p>Principle No. 8: Housing Diversity and Social Interaction Apartment planning has been carefully considered to ensure layouts remain flexible to provide for a range of occupants. Internal apartment areas and room sizes will be designed in accordance with SEPP 65 requirements.</p> <p>Principle No. 9: Aesthetics The proposal is light and curvaceous with timber highlights. Curving awnings and concrete slabs provide additional shading and attenuate the wind from the water. The light colours and curved forms are a response to the beach and the colours and shapes found in the sand.</p>

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 6: S9.1 Ministerial Direction Compliance

Ministerial Section 9.1 Directions	Comment (choose an item)
Planning Systems	
1.1 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> <p>The proposal will also provide more housing options close to a local centre, existing infrastructure, services and transport.</p> <p>The proposal will support the choice to live, work and access services within a local centre.</p> <p>The proposal is consistent with the <i>Central Coast Regional Plan 2036</i> and <i>Draft Central Coast Regional Plan 2041</i> (Refer detail</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
	assessment – Table 2 and 3 above) and this requirement.
1.3 Approval and Referral Requirements	
<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>
1.4 Site Specific Provisions	
<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 will be applied.</p> <p>The subject proposal is consistent with this requirement.</p>
Biodiversity & Conservation	
3.2 Heritage Conservation	
<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 located across the road from an item of local heritage significance (dwelling house) on Picnic Parade.</p> <p>The proposal is designed and sited to avoid adverse impact on access to the foreshore, overshadowing, views of cultural and built environment heritage.</p> <p>Solar access is maintained to the heritage item between 9am and 3pm on June 21. Views from the heritage item to the foreshore are maintained.</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>

Ministerial Section 9.1 Directions	Comment (choose an item)
Resilience and Hazards	
4.2 Coastal Management	
<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> <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 3.2 Coastal Hazard Management of the <i>Central Coast Development Control Plan 2022</i>.</p> <p>The subject proposal is consistent with the requirements of Direction 4.2 Coastal Management</p>
4.4 Remediation of Contaminated Lands	
<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"> - 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. <p>The subject proposal is consistent with this requirement</p>
4.5 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;</p> <p>Works more than 1 metre below the natural ground surface.</p> <p>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 4.5 Acid Sulfate soils.</p>
Transport & Infrastructure	
5.1 Integrating Land Use & Transport	
<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</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</p>

Ministerial Section 9.1 Directions	Comment (choose an item)
<p>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>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 and shared pathway along the Ettalong Beach foreshore.</p> <p>The proposal is consistent with the requirements of Direction 5.1 Integrating Land Use & Transport.</p>
Housing	
6.1 Residential Zones	
<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 & 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 6.1 Residential Zones.</p>
Industry & Employment	
7.1 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 <i>Central Coast Regional Plan 2036</i>.</p> <p>The subject proposal is consistent with the requirements of 7.1 Business & Industrial Zones</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 Regional Plan 2036* (CCRP 2036) and *Draft Central Coast Regional Plan 2041* (CCRP 2041).

- Create a well-planned, compact settlement pattern (Direction 15, CCRP 2036)
- Grow investment opportunities in the region's centres (Direction 16, CCRP 2036)
- Align land use and infrastructure planning (Direction 17, CCRP 2036)
- Create places that are inclusive, well-designed and offer attractive lifestyles (Direction 18, CCRP 2036)
- Accelerate housing supply and improve housing choice (Direction 19, CCRP 2036)
- Grow housing choice in and around local centres (Direction 20, CCRP 2036)
- Provide housing choice to meet community needs (Direction 21, CCRP 2036)
- Create a 15-minute region made up of mixed, multi-modal, inclusive and vibrant local communities (Objective 3, Draft CCRP 2041)
- Plan for "Nimble Neighbourhoods", diverse housing and sequenced development (Objective 4, Draft CCRP 2041)
- Plan for businesses and services at the heart of healthy, prosperous and innovative communities (Objective 7, Draft CCRP 2041)

The proposal has also been assessed against the Central Coast Council Interim *Local Strategic Planning Statement 2020* (LSPS), 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.

• **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.

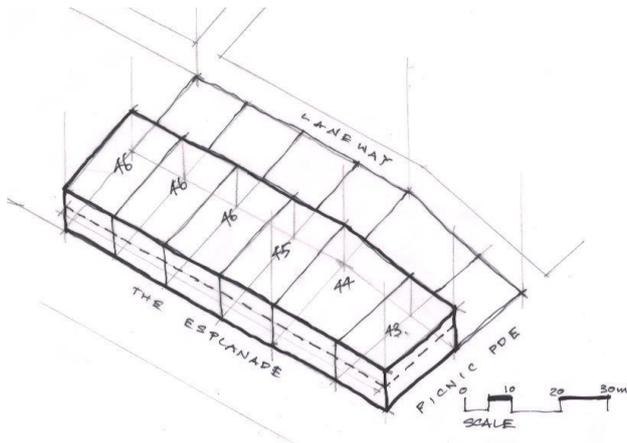


Diagram showing indicative gross floor area on the sites with an FSR of 1:1

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 – June 2022 (refer 05 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 and Laneway View

(Source: Concept Plans and Design Quality Statement, ADG Architects)

- 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 The Esplanade, Picnic Parade and 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 retail /commercial uses with street level open space and landscaping will compliment and transition the development.
- Car parking access 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. 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 subject to the following;

- The concept plans A000 to A951 (refer 05 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 by means of appropriate provisions under the *Central Coast Local Environmental Plan 2022*.
- 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. The single storey podium setback 6 metres from the boundary to Picnic Parade is an appropriate address to the lower-scale residential zone to the east.
- The maximum height of 17 metres or 5 storeys only applies to the two small areas (setback from boundaries) 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).
- 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 carparking, at ground floor sleeved behind commercial / retail 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, Picnic Parade and the western laneway
- 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, 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 *Central Coast Local Environmental Plan 2022 (LEP)* and *Central Coast Development Control Plan 2022 (DCP)* 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 3.2 Coastal Management of the *Central Coast Development Control Plan 2022*

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.

- ***Social and Economic***

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.

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 (dated June 2022) was submitted as a supporting document.

The assessment has established that:

- the site is benefitted by good accessibility to local transport services and connectivity to local retail centre
- the existing intersections in the vicinity of the site have been shown to be operating with excellent levels of service and minimal delays
- the envisaged parking provision will be consistent with the DCP criteria
- the projected traffic generation outcome will only be 2 vehicle trips less than the permissible development outcome
- the proposed access, internal circulation and service arrangement will have regard for the relevant AS2890 design requirements

The assessment therefore concludes that the planning proposal will have no adverse traffic impact on the local road network.

- **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 agency was undertaken, as per Gateway Determination dated 23 December 2021.

Table 7: Agency Consultation

Agency	Comments
Department of Planning, and Environment – Biodiversity Conservation Division	The Biodiversity Conservation Division (BCD) has reviewed the documentation and has no comments.

* NOTE: Section 3.25 of the EP&A Act requires the RPA to consult with the Chief Executive of the Office of Environment and Heritage (OEH) if, in the opinion of the RPA, critical habitat or threatened species, populations or ecological communities, or their habitats may be adversely affected by the proposed instrument.

- The consultation is to commence after a Gateway Determination is issued unless the Regulations specify otherwise.
- The period for consultation is 21 days unless agreed differently between the RPA & the DG or by the Regulations.

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Part 4 Mapping

Table 8: Existing and Proposed Provisions (Refer 04 Supporting Documentation - Mapping)

Map	Map Title
A.	Locality Plan
Existing Provisions – Central Coast LEP 2022	
B.	Floor Space Ratio Map
C.	Height of Building Map
Proposed Provisions – Central Coast LEP 2022	
D.	Floor Space Ratio Map
E.	Height of Building Map

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Part 5 Community Consultation

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

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

- Wyong Office: 2 Hely Street, Wyong;
- 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 (update)

Table 9: Key Project Timeframes

Action	Period	Start Date	End Date
Commencement and completion dates for public exhibition	4 weeks	24 October 22	21 November 22
Timeframe for consideration of submissions	2 weeks	22 November 22	6 December 22
Timeframe for consideration of a proposal post exhibition	8 weeks	6 December 22	31 January 23
Anticipated date RPA will make the plan (under delegation)	2 weeks	1 February 23	15 February 23
Anticipated date RPA will forward to the Department for notification	2 weeks	1 March 23	15 March 23

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Supporting Documentation

Table 10: Supporting Documentation to the Planning Proposal

No.	Document
01 Assessment and Endorsement	
A.	Council Report and Minutes – 29 June 2021
B.	Gateway Determination – 23 December 2021
C.	Central Coast Regional Plan 2036 Assessment
D.	State Environmental Planning Policy Assessment
E.	Section 9.1 Ministerial Direction Assessment
02 Land Use Provisions	
A.	Land Use Tables, and Draft Local Provisions
B.	Draft Voluntary Planning Agreement
03 Agency Responses	
A.	Department of Planning and Environment – Biodiversity Conservation Division
04 Mapping	
A.	Locality Plan
Existing Provisions – Central Coast LEP 2022	
B.	Floor Space Ratio Map FSR
C.	Height of Building Map HOB
Proposed Provisions – Central Coast LEP 2022	
D.	Floor Space Ratio Map FSR
E.	Height of Building Map HOB
05 Supporting Studies	
A.	Architectural Concept Plans and Design Quality Report A000 – A951 June 2022 prepared by ADG Architects
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

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 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

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 O/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 I: 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

- | | | | |
|----------|---|-------------------------------|-----------|
| 1 | Summary PP 106 2019 43-49 The Esplanade, Ettalong Beach | Provided Under Separate Cover | D14594653 |
| 2 | PP 106 2019 43-49 The Esplanade, Ettalong Beach | Provided Under Separate Cover | D14597255 |
| 3 | 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

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. Gateway Determination



Mr David Farmer
Chief Executive Officer
Central Coast Council
PO Box 21
GOSFORD NSW 2250

Dear Mr Farmer

Planning proposal (PP-2021-6386) at 43-46 The Esplanade, Ettalong Beach

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to increase the permitted maximum building height and floor space ratio at The Esplanade, Ettalong Beach.

As delegate of the Minister for Planning and Homes, I have determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, that any inconsistency with section 9.1 Ministerial directions 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are justified in accordance with the terms of the directions. No further approval is required in relation to these directions.

Council will need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Ministerial directions 2.2 Coastal Protection and 4.3 Flooding. This should occur following consultation with the Biodiversity Conservation Division as the relevant public authority.

I note Council has requested to be authorised as the local plan-making authority. I have considered the nature of the planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

I note the planning proposal has been accompanied by a design quality statement that Council considers to be generally consistent with the objectives of the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*. As the development would be in the coastal use area, I would recommend the design quality statement also consider Division 4 of the *State Environmental Planning Policy (Coastal Management) 2018*.

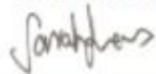
The amending local environmental plan (LEP) is to be finalised by 1 December 2022. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A

copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Jose Sevilla Jr, Senior Planning Officer, Central Coast and Hunter to assist you. Mr Sevilla can be contacted on 8289 6629.

Yours sincerely



23 December 2021

Sarah Lees
Acting Executive Director
Local and Regional Planning
Planning and Assessment

Encl: Gateway determination

C. Central Coast Regional Plan 2036 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

Central Coast Regional Plan 2036		
Direction	Applicable	Assessment/Comment
		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 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.

D. State / Regional Environmental Planning Policy Assessment

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
Chapter 2 – Vegetation in Non-Rural Areas	
<p><i>The aims of this Chapter are—</i></p> <p><i>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</i></p> <p><i>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</i></p> <p><i>This Chapter applies to the following areas of the State (the non-rural areas of the State)—</i></p> <p><i>(b) land within the following zones under an environmental planning instrument—</i></p> <ul style="list-style-type: none"> <i>RU5 Village,</i> <i>R1 General Residential,</i> <i>R2 Low Density Residential,</i> <i>R3 Medium Density Residential,</i> <i>R4 High Density Residential,</i> <i>R5 Large Lot Residential,</i> <i>B1 Neighbourhood Centre,</i> <i>B2 Local Centre,</i> <i>B3 Commercial Core,</i> <i>B4 Mixed Use,</i> <i>B5 Business Development,</i> <i>B6 Enterprise Corridor,</i> <i>B7 Business Park,</i> <i>B8 Metropolitan Centre,</i> <i>IN1 General Industrial,</i> <i>IN2 Light Industrial,</i> <i>IN3 Heavy Industrial,</i> <i>IN4 Working Waterfront,</i> <i>SP1 Special Activities,</i> <i>SP2 Infrastructure,</i> <i>SP3 Tourist,</i> <i>RE1 Public Recreation,</i> <i>RE2 Private Recreation,</i> <i>C2 Environmental Conservation,</i> <i>C3 Environmental Management,</i> <i>C4 Environmental Living or</i> <i>W3 Working Waterways.</i> 	<p>The Proposal is consistent with the provisions of this SEPP.</p> <p>The subject site is located within an urban area which has been cleared and developed.</p>
Chapter 3 – Koala habitat protection 2020	

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
Not applicable.	Not applicable.
Chapter 4 – Koala Habitat Protection 2021	
<p><i>This Chapter 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.</i></p> <p><i>This Chapter does not apply to—</i></p> <p><i>(a) land dedicated or reserved under the National Parks and Wildlife Act 1974, or acquired under Part 11 of that Act, or</i></p> <p><i>(b) land dedicated under the Forestry Act 2012 as a State forest or a flora reserve, or</i></p> <p><i>(c) land on which biodiversity certification has been conferred, and is in force, under Part 8 of the Biodiversity Conservation Act 2016, or</i></p>	<p>Not applicable</p> <p>The subject site is located within an urban area which has been cleared and developed.</p>
Chapter 5 – River Murray lands	
Not applicable.	Not applicable.
Chapter 6 – Bushland in Urban Areas	
<p><i>(1) The general aim of this Chapter is to protect and preserve bushland within the urban areas referred to in Schedule 5 because of—</i></p> <p><i>(a) its value to the community as part of the natural heritage,</i></p> <p><i>(b) its aesthetic value, and</i></p> <p><i>(c) its value as a recreational, educational and scientific resource.</i></p> <p><i>(2) The specific aims of this Chapter are—</i></p> <p><i>(a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,</i></p> <p><i>(b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,</i></p>	<p>Not applicable</p> <p>The subject site is located in an urban area which has been cleared and developed.</p>

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
<p>(c) to protect rare and endangered flora and fauna species,</p> <p>(d) to protect habitats for native flora and fauna,</p> <p>(e) to protect wildlife corridors and vegetation links with other nearby bushland,</p> <p>(f) to protect bushland as a natural stabiliser of the soil surface,</p> <p>(g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,</p> <p>(h) to protect significant geological features,</p> <p>(i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,</p> <p>(j) to protect archaeological relics,</p> <p>(k) to protect the recreational potential of bushland,</p> <p>(l) to protect the educational potential of bushland,</p> <p>(m) to maintain bushland in locations which are readily accessible to the community, and</p> <p>(n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.</p> <p><i>This Chapter applies to the areas and parts of areas specified in Schedule 5:</i></p> <p><i>Gosford</i></p>	
Chapter 7 – Canal Estate Development	
Not applicable.	Not applicable.
Chapter 8 – Sydney drinking water catchment	
Not applicable.	Not applicable.

State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Assessment/Comment
Chapter 9 – Hawkesbury – Nepean River	
Not applicable.	Not applicable.
Chapter 10 – Sydney Harbour Catchment	
Not applicable.	Not applicable.
Chapter 11 – Georges Rivers Catchment	
Not applicable.	Not applicable.
Chapter 12 – Willandra Lakes Region World Heritage Property	
Not applicable.	Not applicable.

SEPP (Design and Place) 2021 (DRAFT)	Assessment/Comment
TBA	Not in force

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
Chapter 2 – Affordable Housing	
<p><i>The principles of this Policy are as follows—</i></p> <p><i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i></p> <p><i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i></p> <p><i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i></p> <p><i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i></p> <p><i>(e) minimising adverse climate and</i></p>	Not applicable.

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<p><i>environmental impacts of new housing development,</i></p> <p><i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i></p> <p><i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i></p> <p><i>(h) mitigating the loss of existing affordable rental housing.</i></p>	
Chapter 3 – Diverse Housing	
<p>Part 1: Secondary Dwellings</p> <p>Part 2: Group Homes</p> <p>Part 3: Co-living Housing</p> <p>Part 4: Built-to-rent Housing</p> <p>Part 5: Seniors Housing</p> <p>Part 6: Short-term Rental Accommodation</p> <p>Part 7: Conversion of Certain Serviced Apartments</p>	Not applicable
<p>Part 8: Manufactured Home Estates</p> <p><i>The aims of this Part are—</i></p> <p><i>(a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and</i></p> <p><i>(b) to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and</i></p> <p><i>(c) to encourage the provision of affordable housing in well-designed estates, and</i></p> <p><i>(d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that</i></p>	Not applicable

State Environmental Planning Policy (Housing) 2021	Assessment/Comment
<p><i>should be preserved, and</i></p> <p><i>(e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and</i></p> <p><i>(f) to protect the environment surrounding manufactured home estates, and</i></p> <p><i>(g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.</i></p>	
<p>Part 9: Caravan Parks</p> <p><i>The aim of this Part is to encourage—</i></p> <p><i>(a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</i></p> <p><i>(b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</i></p> <p><i>(c) the provision of community facilities for land so used, and</i></p> <p><i>(d) the protection of the environment of, and in the vicinity of, land so used.</i></p>	Not applicable.

State Environmental Planning Policy (Industry and Employment) 2021.	Assessment/Comment
Chapter 3 – Advertising and Signage	
<p>1. <i>This Chapter aims—</i></p> <p><i>(a) to ensure that signage (including advertising)—</i></p> <p><i>i is compatible with the desired amenity and visual character of an area, and</i></p> <p><i>ii provides effective communication in suitable locations, and</i></p> <p><i>iii is of high-quality design and finish, and</i></p> <p><i>(b) to regulate signage (but not content) under Part 4 of the Act, and</i></p>	Not applicable

State Environmental Planning Policy (Industry and Employment) 2021.	Assessment/Comment
<p>(c) to provide time-limited consents for the display of certain advertisements, and</p> <p>(d) to regulate the display of advertisements in transport corridors, and</p> <p>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</p> <p><i>This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	

State Environmental Planning Policy (Planning Systems) 2021	Assessment/Comment
Chapter 2 – State and Regional Development	
<p><i>The aims of this Chapter are as follows—</i></p> <p>(a) to identify development that is State significant development,</p> <p>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</p> <p>(c) to identify development that is regionally significant development.</p> <p><i>This chapter applies to Warnervale Town Centre as well as general categories of state significant development.</i></p>	Not applicable.
Chapter 3 – Aboriginal Land	
<p><i>The aims of this Chapter are—</i></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><i>This Chapter applies to the land specified on the Land Application Map.</i></p>	<p>There are four sites within the Central Coast LGA which are subject to the SEPP. The Planning Proposal does not apply to any of these sites.</p> <p>The Proposal is consistent with the provisions of this SEPP.</p>

State Environmental Planning Policy (Precincts—Regional) 2021	Assessment/Comment
Chapter 5 – Gosford City Centre	
<p><i>The aims of this Chapter are as follows—</i></p> <ul style="list-style-type: none"> <i>(a) to promote the economic and social revitalisation of Gosford City Centre,</i> <i>(b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,</i> <i>(c) to protect and enhance the vitality, identity and diversity of Gosford City Centre,</i> <i>(d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,</i> <i>(e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,</i> <i>(f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,</i> <i>(g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,</i> <i>(h) to preserve and enhance solar access to key public open spaces,</i> <i>(i) to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront,</i> <i>(j) to ensure that development exhibits design excellence to deliver the highest standard of architectural and urban design in Gosford City Centre.</i> 	<p>Not applicable.</p>

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
Chapter 2 - Primary Production and Rural Development	
<p><i>The aims of this Chapter are as follows—</i></p> <ul style="list-style-type: none"> <i>(a) to facilitate the orderly economic use and development of lands for primary production,</i> <i>(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,</i> <i>(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,</i> <i>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i> <i>(e) to encourage sustainable agriculture, including sustainable aquaculture,</i> <i>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i> <i>(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.</i> 	<p>Not applicable.</p>
Chapter 3 - Central Coast Plateau Areas	
<p><i>The general aims of this Chapter are—</i></p> <ul style="list-style-type: none"> <i>(a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,</i> <i>(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,</i> 	<p>No land within the draft Planning Proposal is located within the Central Coast Plateau Area.</p> <p>The Proposal is consistent with the provisions of this SEPP</p>

State Environmental Planning Policy (Primary Production) 2021.	Assessment/Comment
<p>(c) to protect regionally significant mining resources and extractive materials from sterilization,</p> <p>(d) to enable development for the purposes of extractive industries in specified locations,</p> <p>(e) to protect the natural ecosystems of the region, and</p> <p>(f) to maintain opportunities for wildlife movement across the region, and</p> <p>(g) to discourage the preparation of draft local environmental plans designed to permit rural residential development, and</p> <p>(h) to encourage the preparation of draft local environmental plans based on merits.</p>	

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
Chapter 2 - Coastal Management	
<p><i>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—</i></p> <p>(a) <i>managing development in the coastal zone and protecting the environmental assets of the coast, and</i></p> <p>(b) <i>establishing a framework for land use planning to guide decision-making in the coastal zone, and</i></p> <p>(c) <i>mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</i></p>	<p>Consistent with the relevant provisions of this SEPP.</p> <p>The matters outlined in Chapter 2 Coastal Management of the SEPP have been considered.</p> <p>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>);</p> <p>The minimum floor level in the proposed development 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 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 3.2 Coastal Hazard Management of the <i>Central Coast Development Control Plan 2022</i>.</p> <p>The subject site is located within the Coastal Use Area.</p> <p>Section 2.11 (1) (a)</p> <ul style="list-style-type: none"> vi. The proposal does not affect access to and along coastal foreshores; vii. A site-specific Development Control Plan will apply to the site to minimise

State Environmental Planning Policy (Resilience and Hazards) 2021.	Assessment/Comment
	<p>overshadowing of the foreshore and public open space, and allow for view sharing;</p> <p>viii. The DCP controls will also limit the visual impact of proposed buildings upon the scenic quality of the coastal setting by stepping down to the foreshore,</p> <p>ix. The subject lots at 43-46 The Esplanade, Ettalong Beach have been fully developed for urban use and does not contain any remnant native vegetation or is likely to contain Aboriginal artefacts;</p> <p>x. There is a heritage dwelling across the road from the site on Picnic Parade. Solar access is to be maintained to the heritage item between 9am and 3pm on June 21. Views from the heritage item to the foreshore are also maintained.</p> <p>(b)</p> <p>ii. The DCP controls will provide for a building form (bulk, scale and size) within a landscaped setting that has adequate setbacks from the beach front, the street and adequate separation from low density residential and heritage buildings located on Picnic Parade.</p>
Chapter 3 – Hazardous and Offensive Development	
<p><i>This Chapter aims—</i></p> <p><i>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</i></p> <p><i>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and</i></p> <p><i>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western</i></p>	<p>Not applicable</p>

<p style="text-align: center;">State Environmental Planning Policy (Resilience and Hazards) 2021.</p>	<p style="text-align: center;">Assessment/Comment</p>
<p><i>Division, and</i></p> <p><i>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</i></p> <p><i>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</i></p> <p><i>(f) to require the advertising of applications to carry out any such development.</i></p>	
<p>Chapter 4 - Remediation of Land</p>	
<p>1. <i>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i></p> <p>2. <i>In particular, this Chapter 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—</i></p> <p><i>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</i></p> <p><i>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i></p> <p><i>(c) by requiring that a remediation work meet certain standards and notification requirements.</i></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.</p> <p>The Geotechnical Report’s recommendations are supported, including:</p> <ul style="list-style-type: none"> - 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, <p>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.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
Chapter 2 – Mining, Petroleum Production and Extractive Industries	
<p><i>The aims of this Chapter are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries—</i></p> <p><i>(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</i></p> <p><i>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</i></p> <p><i>(c) to promote the development of significant mineral resources, and</i></p> <p><i>(d) 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</i></p> <p><i>(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development—</i></p> <p><i>i to recognise the importance of agricultural resources, and</i></p> <p><i>ii to ensure protection of strategic agricultural land and water resources, and</i></p> <p><i>iii to ensure a balanced use of land by potentially competing industries, and</i></p> <p><i>iv to provide for the sustainable growth of mining, petroleum and agricultural industries.</i></p>	<p>Not applicable.</p> <p>The subject site is located within an urban area.</p>
Chapter 3 – Extractive Industries in Sydney Area	
<p><i>This Chapter aims—</i></p> <p><i>(a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and</i></p>	<p>Not applicable.</p> <p>The subject site is located within an urban area.</p>

State Environmental Planning Policy (Resources and Energy) 2021.	Assessment/Comment
<p><i>(b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 3 or 4, and</i></p> <p><i>(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</i></p> <p><i>(d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</i></p> <p><i>(e) to prohibit development for the purpose of extractive industry on the land described in Schedule 5 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.</i></p> <p><i>This chapter applies to land in former Gosford and former Wyong LGAs.</i></p>	

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
Chapter 2 – Infrastructure	
<p><i>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</i></p> <p><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i></p> <p><i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i></p> <p><i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i></p> <p><i>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i></p> <p><i>(e) identifying matters to be considered in the assessment of development adjacent to</i></p>	Not applicable.

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<p><i>particular types of infrastructure development, and</i></p> <p><i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></p> <p><i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i></p>	
Chapter 3 – Educational Establishments and Childcare Facilities	
<p><i>The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</i></p> <p><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</i></p> <p><i>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</i></p> <p><i>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</i></p> <p><i>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</i></p> <p><i>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i></p> <p><i>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</i></p> <p><i>(g) ensuring that proponents of new</i></p>	<p>Not applicable.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021	Assessment/Comment
<p><i>developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</i></p> <p><i>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</i></p>	

SEPP 65 – Design Quality of Residential Apartment Development	
<p>Aims:</p> <p><i>(1) This Policy aims to improve the design quality of residential apartment development in New South Wales.</i></p> <p><i>(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.</i></p> <p><i>(3) Improving the design quality of residential apartment development aims:</i></p> <p><i>(a) to ensure that it contributes to the sustainable development of New South Wales:</i></p> <p><i>(i) by providing sustainable housing in social and environmental terms, and</i></p> <p><i>(ii) by being a long-term asset to its neighbourhood, and</i></p> <p><i>(iii) by achieving the urban planning policies for its regional and local contexts, and</i></p> <p><i>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</i></p> <p><i>(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</i></p> <p><i>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</i></p> <p><i>(e) to minimise the consumption of energy from non-renewable resources, to conserve the</i></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"> - 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

<p><i>environment and to reduce greenhouse gas emissions, and</i></p> <p><i>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</i></p> <p><i>(g) to support housing affordability, and</i></p> <p><i>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</i></p> <p><i>(4) This Policy aims to provide:</i></p> <p><i>(a) consistency of policy and mechanisms across the State, and</i></p> <p><i>(b) a framework for local and regional planning to achieve identified outcomes for specific places.</i></p>	<p>beach beyond whilst providing activation of the pedestrian laneway.</p> <ul style="list-style-type: none"> - 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. - Carparking 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.
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E. Ministerial Section 9.1 Directions

Planning Systems	Comments
1.1 Implementation of Regional Plans	
<p>1. <i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning and Public Spaces.</i></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 and support the choice to live work and access services within a local centre.</p> <p>The proposal is consistent with relevant directions of the <i>Central Coast Regional Plan 2036</i> and <i>Draft Central Coast Regional Plan 2041</i></p> <p>The Proposal is consistent with this direction.</p>
1.2 Development of Aboriginal Land Council Land	
<p>1. <i>When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</i></p> <p>(a) <i>any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</i></p> <p>(b) <i>if no applicable development delivery plan has been published, the interim development delivery plan published on the Department’s website on the making of this direction.</i></p>	<p>Not Applicable</p>
1.3 Approval and Referral Requirements	
<p>1. <i>A planning proposal to which this direction applies must:</i></p> <p>(a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i></p> <p>(b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i></p> <p>i. <i>the appropriate Minister or public authority, and</i></p> <p>ii. <i>the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</i></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>

Planning Systems	Comments
<p>(c) <i>not identify development as designated development unless the relevant planning authority:</i></p> <ul style="list-style-type: none"> i. <i>can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</i> ii. <i>has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</i> 	
<h4>1.4 Site Specific Provisions</h4>	
<ol style="list-style-type: none"> 1. <i>A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</i> <ol style="list-style-type: none"> (a) <i>allow that land use to be carried out in the zone the land is situated on, or</i> (b) <i>rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i> (c) <i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i> 2. <i>A planning proposal must not contain or refer to drawings that show details of the proposed development.</i> 	<p>Applicable</p> <p>The relevant mapping will be updated only subsequent to this proposal and no additional development standards than currently exist will be applied.</p> <p>The subject proposal is consistent with this requirement.</p>
<h4>1.5 Parramatta Road Corridor Urban Transformation Strategy</h4>	
<ol style="list-style-type: none"> 1. <i>A planning proposal that applies to land in the nominated local government areas within the Parramatta Road Corridor must:</i> <ol style="list-style-type: none"> (a) <i>give effect to the objectives of this direction,</i> (b) <i>be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November, 2016),</i> (c) <i>be consistent with the Parramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines,</i> (d) <i>be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), and the Parramatta Road</i> 	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Planning Systems	Comments
<p><i>Corridor Urban Transformation Implementation Update 2021, as applicable,</i></p> <p>(e) <i>contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016),</i></p> <p>(f) <i>be consistent with the relevant District Plan.</i></p>	
<p>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</p>	
<p>1. <i>Planning proposals to which this direction applies shall be consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy.</i></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>
<p>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</p>	
<p>1. <i>Planning proposals shall be consistent with the interim Plan published in July 2017.</i></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>
<p>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</p>	
<p>1. <i>A planning proposal is to be consistent with the Interim Land Use and Infrastructure Implementation Plan and Background Analysis, approved by the Minister for Planning and Public Spaces and as published on 5 August 2017 on the website of the Department of Planning, Industry and Environment (Implementation Plan).</i></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>
<p>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</p>	
<p>1. <i>A planning proposal is to be consistent with the precinct plans approved by the Minister for Planning and Public Spaces and published on the Department's website on 22 December 2017.</i></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>
<p>1.10 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan</p>	
<p>1. <i>A planning proposal is to be consistent with the Western Sydney Aerotropolis Plan approved by the Minister for Planning and Public Spaces and as published on 10</i></p>	<p>Not Applicable</p>

Planning Systems	Comments
<p><i>September 2020 on the website of the Department of Planning, Industry and Environment.</i></p>	<p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
<p>1.11 Implementation of Bayside West Precincts 2036 Plan</p>	
<p>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website in September 2018.</i></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>
<p>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</p>	
<p>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the following principles:</i></p> <ul style="list-style-type: none"> <i>(a) Enable the environmental repair of the site and provide for new recreation opportunities;</i> <i>(b) Not compromise future transport links (such as the South-East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney Airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses;</i> <i>(c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove;</i> <i>(d) Ensure best practice design and a high quality amenity with reference to the NSW design policy Better Placed;</i> <i>(e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden;</i> <i>(f) Safeguard the ongoing operation of Sydney Airport;</i> <i>(g) Enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city;</i> <i>(h) Deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area; and</i> <i>(i) Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas</i> 	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Planning Systems	Comments
<p><i>and wetlands and heritage. The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.</i></p>	
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	
<p>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the St Leonards and Crows Nest 2036 Plan, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 29 August 2020.</i></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>
1.14 Implementation of Greater Macarthur 2040	
<p>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with Greater Macarthur 2040, approved by the Minister for Planning and Public Spaces and as published on 19 November 2018 on the website of the Department of Planning, Industry and Environment.</i></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>
1.15 Implementation of the Pyrmont Peninsula Place Strategy	
<p>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the Pyrmont Peninsula Place Strategy, approved by the Minister for Planning and Public Spaces and published on the Department of Planning, Industry and Environment website on 11 December 2020, including that it:</i></p> <ul style="list-style-type: none"> <i>(a) gives effect to the objectives of this direction and the Vision (Part 5) of the Pyrmont Peninsula Place Strategy,</i> <i>(b) is consistent with the 10 directions (Part 6) and Structure Plan (Part 8) in the Pyrmont Peninsula Place Strategy,</i> <i>(c) delivers on envisaged future character for sub-precincts (Part 9), including relevant place priorities in the Pyrmont Peninsula Place Strategy, and</i> <i>(d) supports the delivery of the Big Moves (Part 7) in the Pyrmont Peninsula Place Strategy.</i> 	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>
1.16 North West Rail Link Corridor Strategy	
<p>1. <i>A planning proposal that applies to land located within the NWRL Corridor must:</i></p> <ul style="list-style-type: none"> <i>(a) give effect to the objectives of this direction</i> <i>(b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections</i> 	<p>Not Applicable</p> <p>This Direction does not apply to the Central Coast Local Government Area (or former Wyong or Gosford LGAs).</p>

Planning Systems	Comments
<p><i>and proposed future character for each of the NWRL precincts</i></p> <p>(c) <i>promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.</i></p>	
1.17 Implementation of the Bays West Place Strategy	
<p>1. <i>A planning proposal authority must ensure that a planning proposal is consistent with the Bays West Place Strategy, approved by the Minister for Planning and published on the Department of Planning and Environment website on 15 November 2021, including that it:</i></p> <p><i>(a) gives effect to the objectives of this Direction and the Vision of the Bays West Place Strategy,</i></p> <p><i>(b) is consistent with the 14 Directions and Structure Plan(s) in the Bays West Place Strategy,</i></p> <p><i>(c) delivers on envisaged future character for sub-precincts, and</i></p> <p><i>(d) supports the delivery of the Big Moves in the Bays West Place Strategy</i></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>

Design & Place	Comments
2.1	
Not in force	Not applicable

Biodiversity & Conservation	Comments
3.1 Conservation Zones	
<p>1. <i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p>2. <i>A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.3 (2) of "Rural Lands".</i></p>	<p>Not 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 3.1 Conservation Zones.</p>
3.2 Heritage Conservation	

Biodiversity & Conservation	Comments
<p>1. <i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p>(a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p>(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p>(c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p>	<p>Applicable. The subject site is located across the road from an item of local heritage significance (dwelling house) on Picnic Parade. The proposal is designed and sited to avoid adverse impact on access to the foreshore, overshadowing, views of cultural and built environment heritage. Solar access is maintained to the heritage item between 9am and 3pm on June 21. Views from the heritage item to the foreshore are maintained. 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. The subject proposal is consistent with this requirement.</p>
<h3>3.3 Sydney Drinking Water Catchments</h3>	
<p>1. <i>A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:</i></p> <p>(a) <i>new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and</i></p> <p>(b) <i>future land use in the Sydney drinking water catchment should be matched to land and water capability, and</i></p> <p>(c) <i>the ecological values of land within a Special Area that is:</i></p> <p>i. <i>reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or</i></p> <p>ii. <i>declared as a wilderness area under the Wilderness Act 1987, or</i></p> <p>iii. <i>owned or under the care control and management of the Sydney Catchment Authority, should be maintained.</i></p> <p>2. <i>When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:</i></p> <p>(a) <i>ensure that the proposal is consistent with chapter 9 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and</i></p>	<p>Not Applicable</p>

Biodiversity & Conservation	Comments
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- (b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and
- (c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:

Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)

and

- (d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and
- (e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP&A Act.

3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs

1. A planning proposal that introduces or alters an C2 Environmental Conservation or C3 Environmental Management zone or an overlay and associated clause must apply that proposed C2 Environmental Conservation or C3 Environmental Management zone, or the overlay and associated clause, in line with the Northern Councils C Zone Review Final Recommendations.

Not Applicable

3.5 Recreational Vehicle Areas

Biodiversity & Conservation	Comments
<p>1. <i>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</i></p> <ul style="list-style-type: none"> <i>(a) where the land is within a conservation zone,</i> <i>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</i> <i>(c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</i> <ul style="list-style-type: none"> <i>i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</i> <i>ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</i> 	Not Applicable
3.6 Strategic Conservation Planning	
<p>1. <i>A planning proposal authority must be satisfied that a planning proposal that applies to avoided land identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with:</i></p> <ul style="list-style-type: none"> <i>(a) the protection or enhancement of native vegetation,</i> <i>(b) the protection or enhancement of riparian corridors, including native vegetation and water quality,</i> <i>(c) the protection of threatened ecological communities, threatened species and their habitats,</i> <i>(d) the protection or enhancement of koala habitat and corridors, and</i> <i>(e) the protection of matters of national environmental significance.</i> <p>2. <i>A planning proposal authority must be satisfied that a planning proposal that applies to a strategic conservation area identified under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrates that it is consistent with:</i></p> <ul style="list-style-type: none"> <i>(a) the protection or enhancement of native vegetation,</i> <i>(b) the minimisation of impacts on areas of regionally significant biodiversity, including threatened ecological communities, threatened species and their habitats,</i> <i>(c) the protection or enhancement of koala habitat and corridors, including habitat connectivity and fauna</i> 	Not Applicable

Biodiversity & Conservation	Comments
<p><i>movement, and links to ecological restoration areas, and</i></p> <p><i>(d) the maintenance or enhancement of ecological function.</i></p> <p>3. <i>A planning proposal must not rezone land identified as avoided land in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to:</i></p> <p><i>(a) a rural, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone.</i></p> <p>4. <i>A planning proposal must not rezone land identified as a strategic conservation area in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 to:</i></p> <p><i>(a) RU4, RU5, RU6, residential, business, industrial, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE2 Private Recreation, or equivalent zone.</i></p>	

Resilience & Hazards	Comments
4.1 Flooding	
<p>1. <i>A planning proposal must include provisions that give effect to and are consistent with:</i></p> <p><i>(a) the NSW Flood Prone Land Policy,</i></p> <p><i>(b) the principles of the Floodplain Development Manual 2005,</i></p> <p><i>(c) the Considering flooding in land use planning guideline 2021, and</i></p> <p><i>(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</i></p> <p>2. <i>A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</i></p> <p>3. <i>A planning proposal must not contain provisions that apply to the flood planning area which:</i></p> <p><i>(a) permit development in floodway areas,</i></p> <p><i>(b) permit development that will result in significant flood impacts to other properties,</i></p> <p><i>(c) permit development for the purposes of residential accommodation in high hazard areas,</i></p> <p><i>(d) permit a significant increase in the development and/or dwelling density of that land,</i></p> <p><i>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities,</i></p>	<p>Not 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 subject proposal is consistent with this direction.</p>

Resilience & Hazards	Comments
<p><i>respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</i></p> <p><i>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</i></p> <p><i>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</i></p> <p><i>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</i></p> <p><i>4. A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</i></p> <p><i>(a) permit development in floodway areas,</i></p> <p><i>(b) permit development that will result in significant flood impacts to other properties,</i></p> <p><i>(c) permit a significant increase in the dwelling density of that land,</i></p> <p><i>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</i></p> <p><i>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</i></p> <p><i>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</i></p> <p><i>5. For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</i></p>	

Resilience & Hazards	Comments
4.2 Coastal Management	
<p>1. A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas; (b) the NSW Coastal Management Manual and associated Toolkit; (c) NSW Coastal Design Guidelines 2003; and (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land. <p>2. A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <ul style="list-style-type: none"> (a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken: <ul style="list-style-type: none"> i. by or on behalf of the relevant planning authority and the planning proposal authority, or ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority. <p>3. A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p> <p>4. A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:</p> <ul style="list-style-type: none"> (a) Coastal wetlands and littoral rainforests area map; (b) Coastal vulnerability area map; (c) Coastal environment area map; and (d) Coastal use area map. <p>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program</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> <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).</p> <p>From a coastal engineering perspective, the rezoning proposal is considered suitable to process within the confines in Chapter 3.2 Coastal Hazard Management of the <i>Central Coast Development Control Plan 2022</i>.</p> <p>The subject proposal is consistent with the requirements of Direction 4.2 Coastal Management</p>

Resilience & Hazards	Comments
<p><i>that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</i></p>	
<p>4.3 Planning for Bushfire Protection</p>	
<ol style="list-style-type: none"> 1. <i>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</i> 2. <i>A planning proposal must:</i> <ol style="list-style-type: none"> (a) <i>have regard to Planning for Bushfire Protection 2019,</i> (b) <i>introduce controls that avoid placing inappropriate developments in hazardous areas, and</i> (c) <i>ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</i> 3. <i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i> <ol style="list-style-type: none"> (a) <i>provide an Asset Protection Zone (APZ) incorporating at a minimum:</i> <ol style="list-style-type: none"> i. <i>an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</i> ii. <i>an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</i> (b) <i>for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</i> (c) <i>contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</i> (d) <i>contain provisions for adequate water supply for firefighting purposes,</i> 	<p>Not Applicable.</p> <p>The subject proposal is not located on or near bushfire prone land.</p>

Resilience & Hazards	Comments
<p>(e) <i>minimise the perimeter of the area of land interfacing the hazard which may be developed,</i></p> <p>(f) <i>introduce controls on the placement of combustible materials in the Inner Protection Area.</i></p>	
<p>4.4 Remediation of Contaminated Lands</p>	
<p>1. <i>A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <p>(a) <i>the planning proposal authority has considered whether the land is contaminated, and</i></p> <p>(b) <i>if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p>(c) <i>if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p> <p><i>In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</i></p> <p>2. <i>Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</i></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> <p>The following conditions are recommended at the development stage to address this requirement:</p> <ul style="list-style-type: none"> - 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. <p>The subject proposal is consistent with this requirement.</p>
<p>4.5 Acid Sulfate Soils</p>	

Resilience & Hazards	Comments
<ol style="list-style-type: none"> 1. <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i> 2. <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i> <ol style="list-style-type: none"> (a) <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or</i> (b) <i>other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</i> 3. <i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</i> 4. <i>Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</i> 	<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 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 4.5 Acid Sulfate soils.</p>
4.6 Mine Subsidence & Unstable Land	
<ol style="list-style-type: none"> 1. <i>When preparing a planning proposal that would permit development on land that is within a declared mine subsidence district, a relevant planning authority must:</i> <ol style="list-style-type: none"> (a) <i>consult Subsidence Advisory NSW to ascertain:</i> <ol style="list-style-type: none"> i. <i>if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and</i> ii. <i>the scale, density and type of development that is appropriate for the potential level of subsidence, and</i> 	<p>Not Applicable.</p> <p>The subject site is not within a mine subsidence district.</p>

Resilience & Hazards	Comments
<p>(b) Incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and</p> <p>(c) include a copy of any information received from Subsidence Advisory NSW with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary prior to undertaking community consultation in satisfaction of Schedule 1 to the Act.</p> <p>2. A planning proposal must not permit development on land.</p>	

Transport & Infrastructure	Comments
5.1 Integrating Land Use & Transport	
<p>1. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</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 and shared pathway along the Ettalong Beach foreshore.</p> <p>The proposal is consistent with the requirements of Direction 5.1 Integrating Land Use & Transport.</p>
5.2 Reserving Land for Public Purposes	
<p>1. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>2. When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p>	<p>Not 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>

Transport & Infrastructure	Comments
<p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>3. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p> <p>4. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	

5.3 Development Near Regulated Airports and Defence Airfields

<p>1. In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</p> <p>(a) consult with the lessee/operator of that airport;</p> <p>(b) take into consideration the operational airspace and any advice from the lessee/operator of that airport;</p> <p>(c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(d) not allow development types that are incompatible with the current and future operation of that airport.</p> <p>2. In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</p> <p>(a) consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</p> <p>(b) for land affected by the prescribed airspace (as defined in clause 6(1) of the Airports (Protection of</p>	<p>Not Applicable.</p> <p>Subject site is not located in the vicinity of a regulated airport.</p>
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Transport & Infrastructure	Comments
<p><i>Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</i></p> <p><i>(c) not allow development types that are incompatible with the current and future operation of that airport.</i></p> <p><i>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</i></p> <p><i>3. In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</i></p> <p><i>(a) consult with the Department of Defence if:</i></p> <ul style="list-style-type: none"> <i>i. the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</i> <i>ii. no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</i> <p><i>(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></p> <p><i>(c) not allow development types that are incompatible with the current and future operation of that airfield.</i></p> <p><i>4. A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</i></p> <ul style="list-style-type: none"> <i>(a) for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20 and 25; or</i> <i>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</i> <i>(c) for commercial or industrial purposes where the ANEF is above 30.</i> <p><i>5. A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 Australian Noise Exposure Concept (ANEC)/ANEF contour for Western Sydney Airport.</i></p>	

Transport & Infrastructure	Comments
5.4 Shooting Ranges	
<p>1. A planning proposal must not seek to rezone land adjacent to and/or adjoining an existing shooting range that has the effect of:</p> <p>(a) permitting more intensive land uses than those which are permitted under the existing zone; or</p> <p>(b) permitting land uses that are incompatible with the noise emitted by the existing shooting range.</p>	<p>Not Applicable</p> <p>Subject site is not located in the vicinity of a shooting range.</p>

Housing	Comments
6.1 Residential Zones	
<p>1. A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>2. A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</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 & 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 6.1 Residential Zones.</p>
6.2 Caravan Parks and Manufactured Home Estates	
<p>1. In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p>	<p>Not Applicable</p>

Housing	Comments
<p>2. <i>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <i>(a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) as to where MHEs should not be located,</i> <i>(b) take into account the principles listed in clause 9 Schedule 5 of State Environmental Planning Policy (Housing)(which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</i> <i>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent..</i> 	

Industry & Employment	Comments
7.1 Business & Industrial Zones	
<p>1. <i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <i>(a) give effect to the objectives of this direction,</i> <i>(b) retain the areas and locations of existing business and industrial zones,</i> <i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</i> <i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i> <i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</i> 	<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 7.1 Business & Industrial Zones.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	
<p>1. <i>The council must include provisions which give effect to the following principles in a planning proposal to which this direction applies:</i></p> <ul style="list-style-type: none"> <i>(a) non-hosted short term rental accommodation periods must not be reduced to be less than 90 days</i> <i>(b) the reasons for changing the non-hosted short-term rental accommodation period should be clearly articulated</i> <i>(c) there should be a sound evidence base for the proposed change, including evidence of the availability of short-term rental accommodation in the area (or parts of the area) in the 12 months preceding the proposal, relative to the amount of housing in the</i> 	<p>Not Applicable</p>

Industry & Employment	Comments
<p>area, and trend data on the availability of short-term rental accommodation over the past 5 years.</p> <p>(d) <i>the impact of reducing the non-hosted short-term rental accommodation period should be analysed and explained, including social and economic impacts for the community in general, and impacted property owners specifically.</i></p>	
<p>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</p>	
<p>1. <i>A planning proposal that applies to land located on “within town” segments of the Pacific Highway must provide that:</i></p> <p>(a) <i>new commercial or retail development must be concentrated within distinct centres rather than spread along the highway;</i></p> <p>(b) <i>development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway; and</i></p> <p>(c) <i>for the purposes of this paragraph, “within town” means areas which, prior to the draft local environmental plan, have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) and where the Pacific Highway speed limit is less than 80km/hour.</i></p> <p>2. <i>A planning proposal that applies to land located on “out-of-town” segments of the Pacific Highway must provide that:</i></p> <p>(a) <i>new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this direction;</i></p> <p>(b) <i>development with frontage to the Pacific Highway must consider the impact the development has on the safety and efficiency of the highway; and</i></p> <p>(c) <i>for the purposes of this paragraph, “out-of-town” means areas which, prior to the draft local environmental plan, do not have an urban zone (e.g.: “village”, “residential”, “tourist”, “commercial”, “industrial”, etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</i></p> <p>3. <i>Notwithstanding the requirements of paragraphs (1) and (2), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that Roads and Maritime Services is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities. For the purposes of this paragraph, a highway service centre has the same meaning as is contained in the Standard Instrument (Local Environmental Plans) Order 2006.</i></p>	<p>Not Applicable</p>

Industry & Employment		Comments
Table 1: Highway service centres that can proceed		
Town	Locality	
Chinderah	Chinderah Bay Road interchange (southbound) Western side of highway at Tweed Valley Way interchange (northbound)	
Ballina	Teven Road interchange	
Maclean	Southern interchange	
Woolgoolga	Northern interchange at Arrawarra	
Nambucca Heads	Nambucca Heads interchange	
Kempsey	South Kempsey interchange	
Port Macquarie	Oxley Highway interchange (both sides of the Pacific Highway)	
Taree	Old Bar Road interchange	
Tomago	In the vicinity of Tomago Road / South Heatherbrae	

Resources & Energy	Comments
8.1 Mining, Petroleum Production and Extractive Industries	
<p>1. <i>In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</i></p> <p>(a) <i>consult the Secretary of the Department of Primary Industries (DPI) to identify any:</i></p> <p>i. <i>resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and</i></p> <p>ii. <i>existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and</i></p> <p>(b) <i>seek advice from the Secretary of DPI on the development potential of resources identified under (1)(a)(i), and</i></p> <p>(c) <i>identify and take into consideration issues likely to lead to land use conflict between other land uses and:</i></p> <p>i. <i>development of resources identified under (1)(a)(i), or</i></p> <p>ii. <i>existing development identified under (1)(a)(ii).</i></p> <p>2. <i>Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i), or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:</i></p> <p>(a) <i>provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</i></p> <p>(b) <i>allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</i></p> <p>(c) <i>include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before</i></p>	<p>Not Applicable</p> <p>The subject site is located within a developed urban area.</p>

Resources & Energy	Comments
<i>undertaking community consultation in satisfaction of Schedule 1 to the Act.</i>	

Primary Production	Comments
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9.1 Rural Zones

1. *A planning proposal must:*
 - (a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
 - (b) *not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

Not Applicable
The subject site is not within an existing or proposed rural zone.

9.2 Rural Lands

1. *A planning proposal must:*
 - (a) *be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement*
 - (b) *consider the significance of agriculture and primary production to the State and rural communities*
 - (c) *identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources*
 - (d) *consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions*
 - (e) *promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities*
 - (f) *support farmers in exercising their right to farm*
 - (g) *prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use*
 - (h) *consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land*
 - (i) *consider the social, economic and environmental interests of the community.*
2. *A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:*

Not Applicable

Primary Production	Comments
<p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p>	
9.3 Oyster Aquaculture	
<p>1. In the preparation of a planning proposal the relevant planning authority must:</p> <p>(a) identify any 'Priority Oyster Aquaculture Areas' and oyster aquaculture leases outside such an area, as shown the maps to the Strategy, to which the planning proposal would apply,</p> <p>(b) identify any proposed land uses which could result in any adverse impact on a 'Priority Oyster Aquaculture Area' or oyster aquaculture leases outside such an area,</p> <p>(c) identify and take into consideration any issues likely to lead to an incompatible use of land between oyster aquaculture and other land uses and identify and evaluate measures to avoid or minimise such land use in compatibility,</p> <p>(d) consult with the Secretary of the Department of Primary Industries (DPI) of the proposed changes in the preparation of the planning proposal, and</p> <p>(e) ensure the planning proposal is consistent with the Strategy.</p> <p>2. Where a planning proposal proposes land uses that may result in adverse impacts identified under (1)(b) and (1)(c), relevant planning authority must:</p> <p>(a) provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,</p> <p>(b) allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and</p> <p>(c) include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary before</p>	<p>Not Applicable</p> <p>The subject property is not located close to an oyster aquaculture area or lease</p>

Primary Production	Comments
<p><i>undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</i></p>	
<p>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</p>	
<p>1. <i>A planning proposal must not:</i></p> <ul style="list-style-type: none"> (a) <i>rezone land identified as “State Significant Farmland” for urban or rural residential purposes.</i> (b) <i>rezone land identified as “Regionally Significant Farmland” for urban or rural residential purposes.</i> (c) <i>rezone land identified as “significant non-contiguous farmland” for urban or rural residential purposes.</i> 	<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

Central Coast Local Environmental Plan 2022 is the principal Environmental Planning Instrument applying to the subject land. The land is currently zoned B2 Local Centre
Current version accessed 12 October 2022

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 permit residential uses while maintaining active retail, business and other non-residential uses at street level to contribute to the vitality of the area.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

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; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Waste or resource management facilities; Water recycling facilities; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water supply systems; Wholesale supplies

Draft Local Provisions, Central Coast Local Environmental Plan 2022

The Height of Building and Floor Space Ratio maps are proposed to be amended to show a coloured line around the subject site and wording “The Esplanade” to enable bonus height and floor space ratio subject to lot consolidation. The draft local clauses are:

4.3A Exceptions to height of buildings—general

The maximum height of a building on land identified as “The Esplanade” on the [Height of Buildings Map](#) is 17m if—

- (a) the site area is at least 3,000m²

4.4B Exceptions to floor space ratio—town centres and village centres

The maximum floor space ratio for a building on land identified as “The Esplanade” on the [Floor Space Ratio Map](#) is 1.75:1 if—

- (a) the site area is at least 3,000m²

B. Draft Voluntary Planning Agreement & Explanatory Note

03

Agency Responses



Department of Planning and Environment

Our ref: DOC22/576893
Your Ref: PP-2021-6386

Melati Lye
Senior Strategic Planner
Centres Planning and Urban Design
Central Coast Council
PO Box 20
Wyong NSW 2259
Melati.Lye@centralcoast.nsw.gov.au

Dear Ms Lye,

Subject: Planning Proposal No 43-46 The Esplanade Ettalong Beach – PP-2021-6386

I refer to your email of 11 July 2022 seeking input into a Planning Proposal for No 43-46 The Esplanade Ettalong Beach, Central Coast LGA.

The Biodiversity Conservation Division (BCD) has reviewed documentation and has no comments.

If you have any further questions in relation to this matter, please contact Sarah Warner on 0447 760 203 or at huntercentralcoast@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "S. Crick".

STEVEN CRICK
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

1 August 2022

04

Mapping

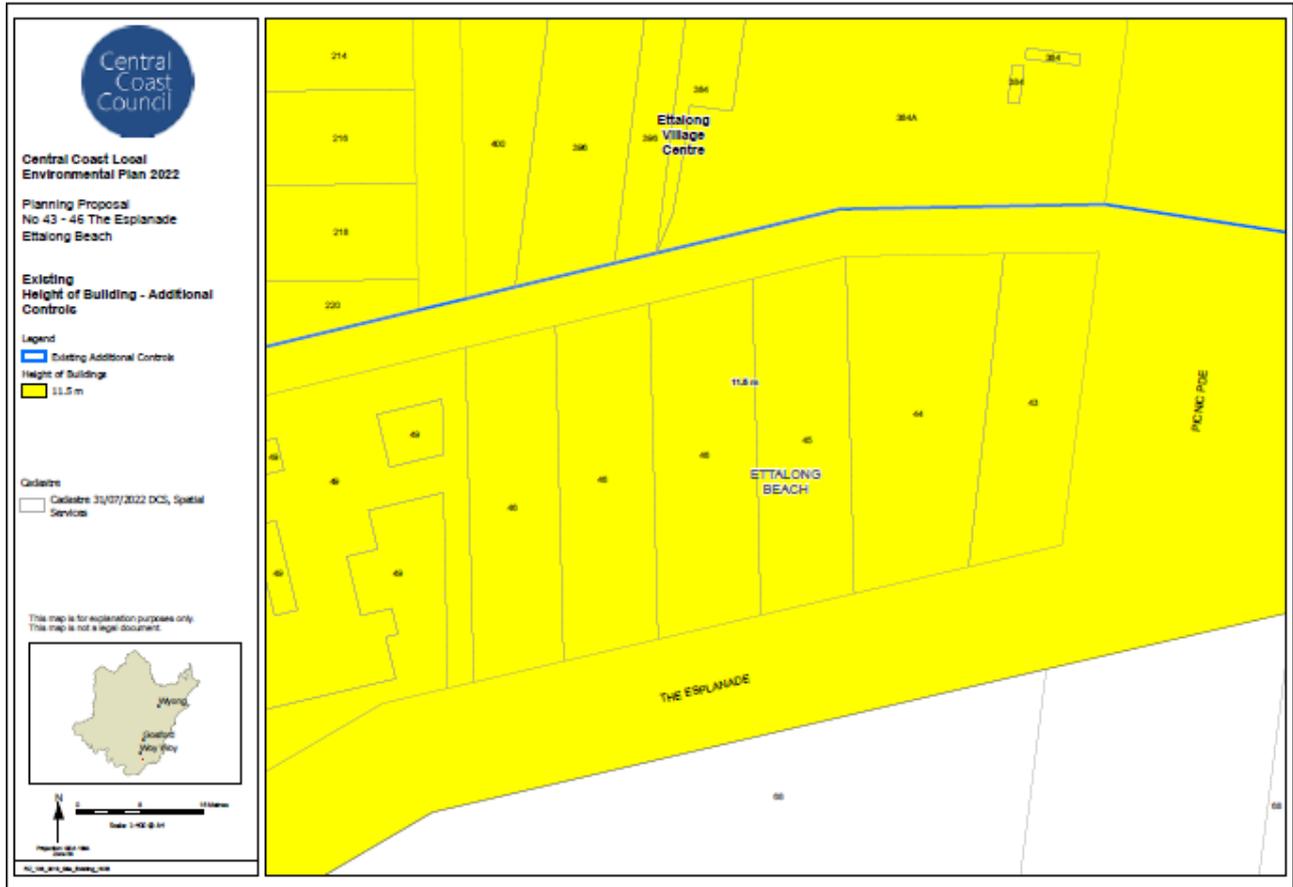
A.	Locality Plan
Existing Provisions, Central Coast LEP 2022	
B.	Floor Space Ratio Map
C.	Height of Building Map
Proposed Provisions, Central Coast LEP 2022	
D.	Floor Space Ratio Map
E.	Height of Building Map

A. Locality Plan



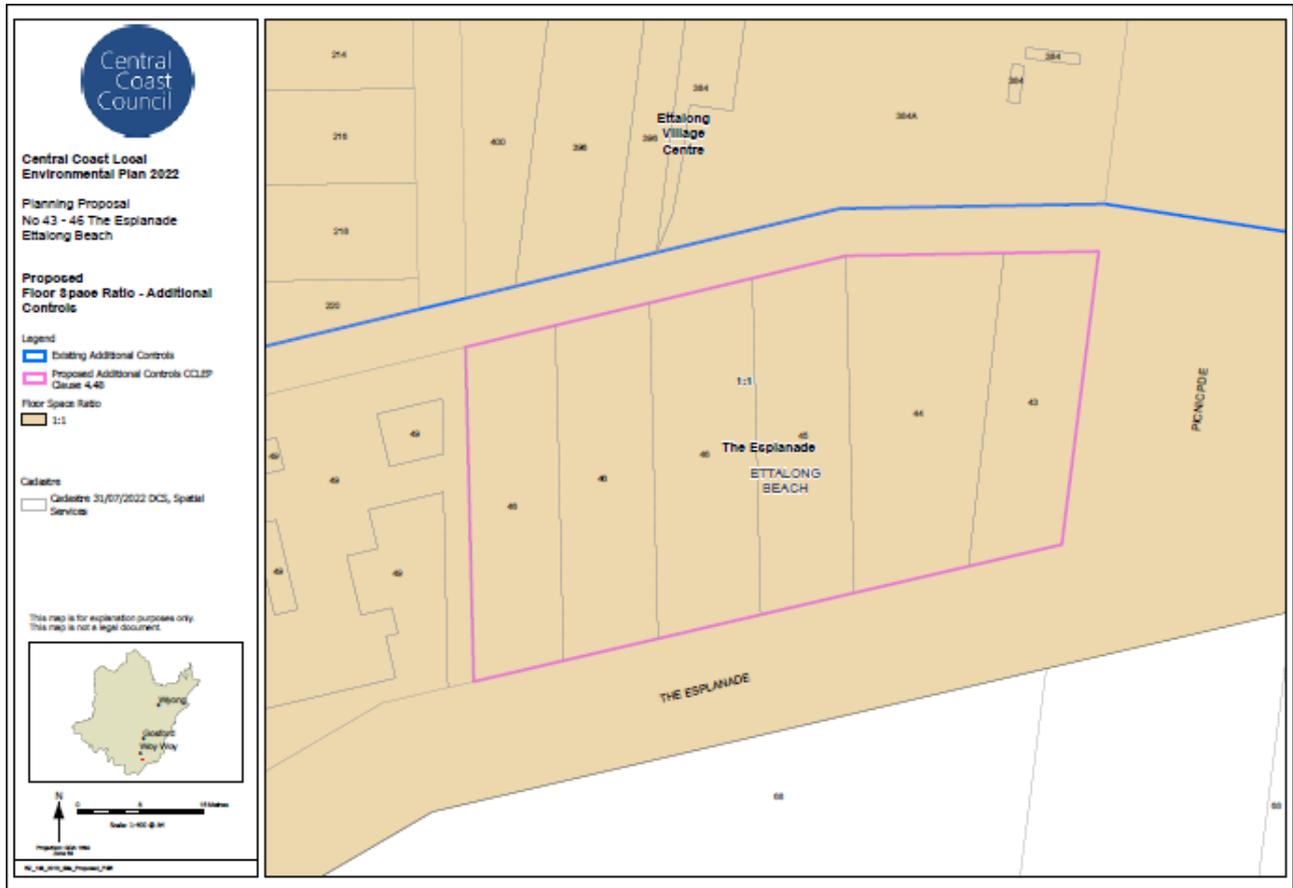
Existing Provision

C. Height of Building Map



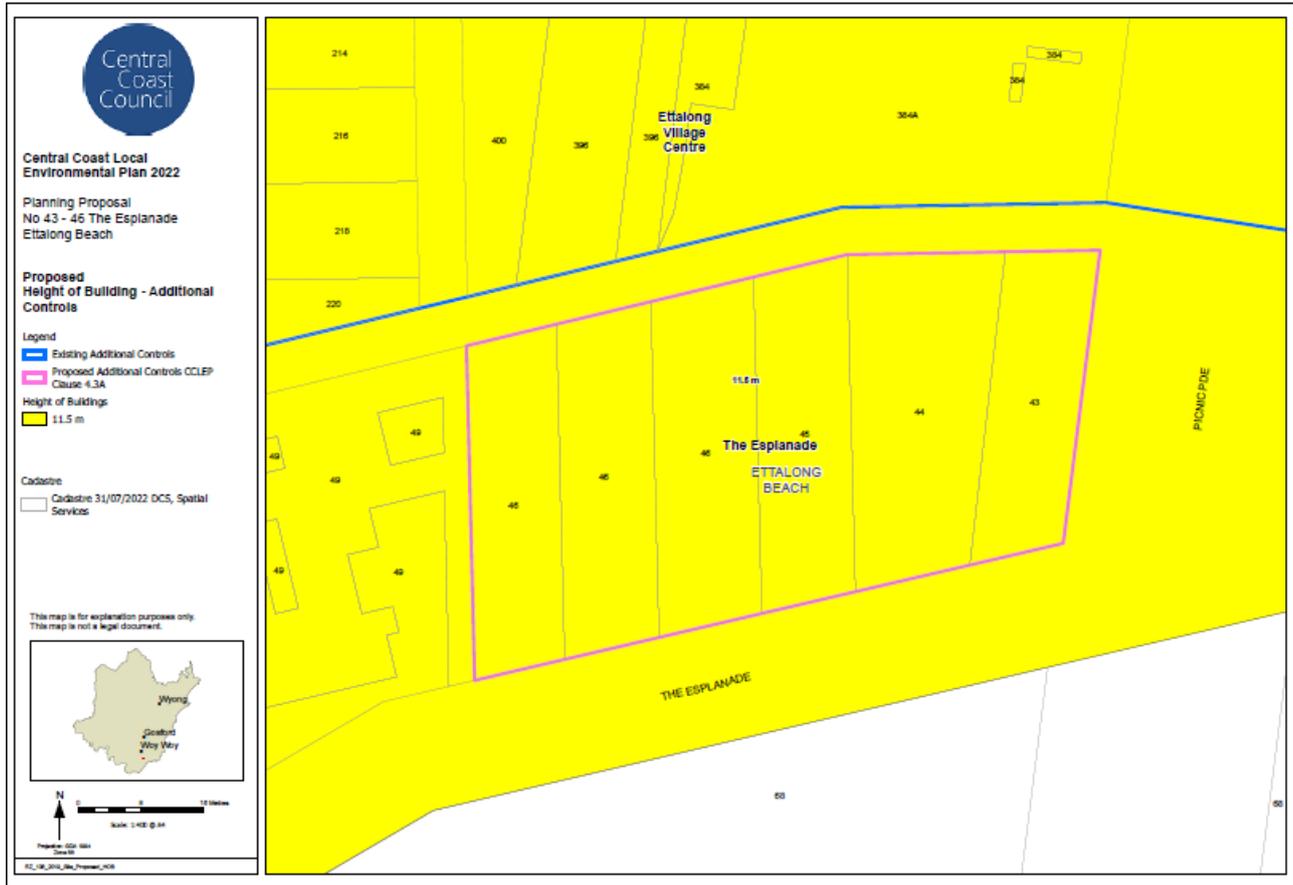
Proposed Provision

D. Floor Space Ratio Map



Proposed Provision

E. Height of Building Map



05

Supporting Studies

- | |
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| A. Revised Concept Plans and Design Quality Statement A000 to A951 dated June 2022 prepared by ADG Architects |
| B. Revised Traffic and Parking Assessment Report dated June 2022 prepared by Transport and Traffic Planning Associates |
| C. Preliminary Site Investigation -Contamination prepared by Douglas Partners |
| D. Economic Assessment by MDA Property |