

# Planning Proposal Assessment

## Proposal Summary

<b>Applicant</b>	Parform Pty Ltd
<b>Owner</b>	Lot 117 in DP 10650 – Parform Pty Ltd Lot 118 in DP 10650 – Parform Pty Ltd Lot 119 in DP 10650 – Parform Pty Ltd Lot 120 in DP 10650 – SALTNPEPPER Pty Ltd, Pinti Pty Ltd Lot 121 in DP 10650 – Mark Moussa, John Moussa Lot 122 in DP 10650 – Pilotimos Enterprises Pty Ltd Lot 2 in DP 1249007 and 0/SP 99403 – Longbeach Living Pty Ltd
<b>Application Number</b>	Planning Proposal 106/2019
<b>Description of Land subject of planning proposal</b>	<i>Property Description:</i> No 43-49 The Esplanade Ettalong Beach <i>Legal Description:</i> Lots 117 – 122 in DP10650 and Lot 2 in DP 1249007 and 0/SP 99403
<b>Site Area</b>	Lot 117 in DP 10650 – 512.1 m <sup>2</sup> Lot 118 in DP 10650 - 512.1 m <sup>2</sup> Lot 119 in DP 10650 - 512.1 m <sup>2</sup> Lot 120 in DP 10650 - 512.1 m <sup>2</sup> Lot 121 in DP 10650 – 670.3 m <sup>2</sup> Lot 122 in DP 10650 – 448.9 m <sup>2</sup> Lot 2 in DP 1249007 and 0/SP 99403 – 2,234 m <sup>2</sup>
<b>Existing Use</b>	Lot 117 in DP 10650 – Two storey Ettalong Motel Lot 118 in DP 10650 - Two storey Ettalong Motel Lot 119 in DP 10650 - Two storey Ettalong Motel Lot 120 in DP 10650 – Vacant Lot 121 in DP 10650 – Vacant Lot 122 in DP 10650 – Two storey residential dwelling Lot 2 in DP 1249007 and 0/SP 99403 – Five and seven storey mixed use commercial / residential building

### Proposed Amendments – Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan 2020.

<b>Provisions</b>	<b>Existing Provision</b>	<b>Proposed Amendment</b>	<b>Outcome (Supported/Not Supported)</b>
<b>Zoning</b>	B2 Local Centre	N/A	-
<b>Height of Building</b>	L2 -11.5m	P1 – 17m	Supported
<b>Floor Space Ratio</b>	N – 1:1	T1 – 2:1	1.75:1



# Proposal Report

## Executive Summary

Ettalong Beach Local Centre has a consistent 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 and Lot 2 in DP 1249007 and 0/SP 99403 (No 43 -49 The Esplanade), are zoned B2 Local Centre but the applicable maximum building height and floor space ratio controls are lower than adjoining B2 zoned land in order to limit overshadowing of the beach and public open space, allow for view sharing to the water and provide a transition to the lower density residential land to the east.

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

## The Site

The land subject to the rezoning request (see Figure 1) comprises seven (7) lots, No 43 -49 The Esplanade, in multiple ownership having a total area of 5,401.6m<sup>2</sup>.

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. 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 in 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, 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.

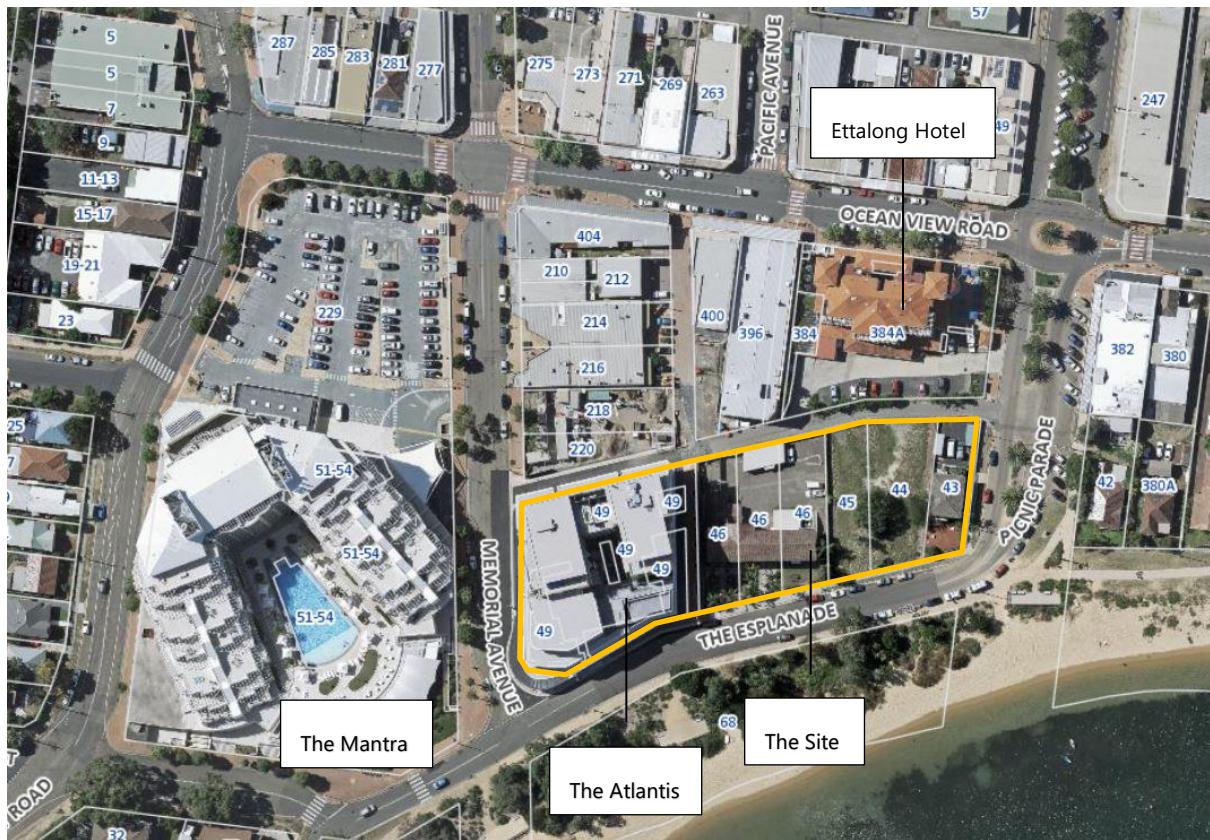


Figure 1 Locality Plan (bounded in yellow)

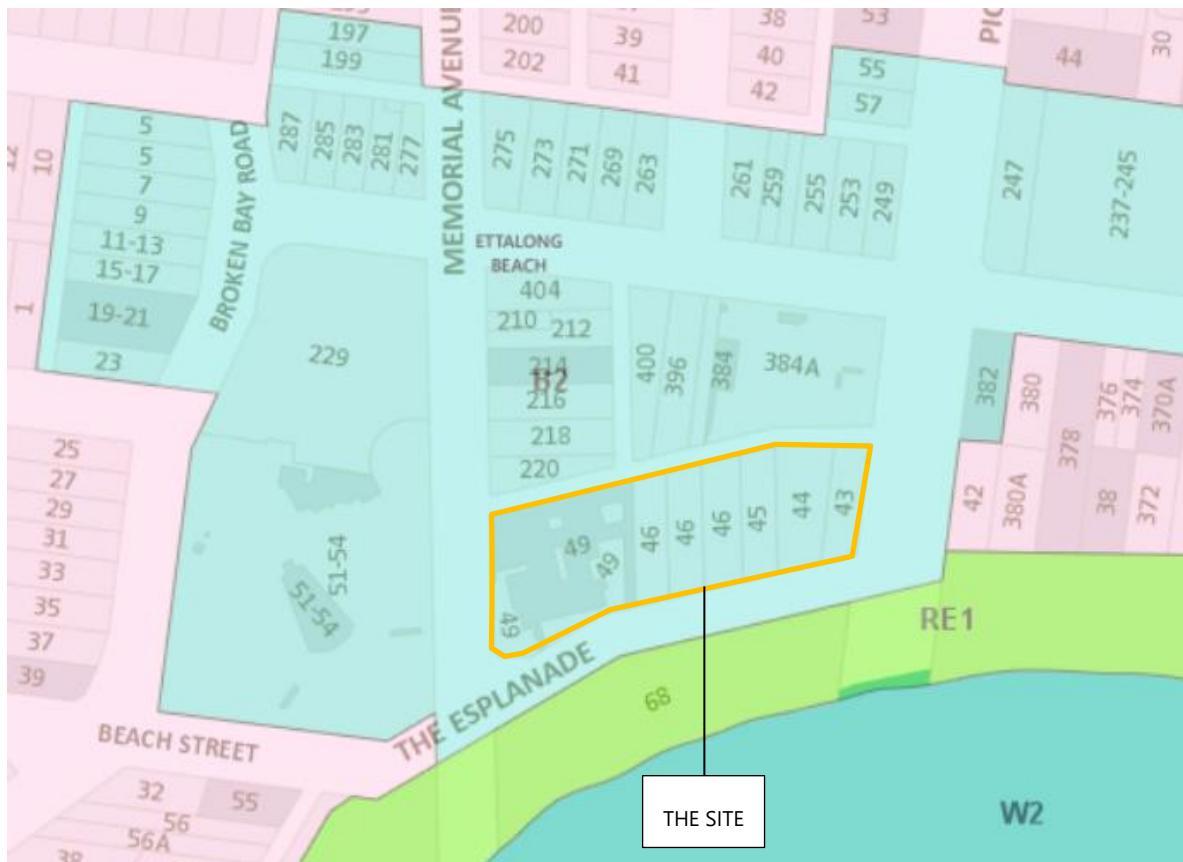


Figure 2 Land Use Zones (bounded in yellow)

## 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 2:1 under *Gosford Local Environmental Plan 2014* (GLEP) or the *Central Coast Local Environmental Plan* (CCLEP) to enable improved lot consolidation and development outcome. There is a recently completed development on Lot 2 in DP 1249007 and 0/SP 99403 (No 49 The Esplanade) approved under the State Significant Development provisions of the *Environmental Planning and Assessment Act 1979*.

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

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

## Assessment

The planning proposal has been assessed against the Central Coast Council Interim Local Strategic Planning Statement (ILSPS), the Central Coast Regional Plan 2036 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.

Preliminary assessment has identified the proposal has strategic merit on the basis that it will address the following Directions of the Central Coast Regional Plan 2036. The detailed assessment is provided in Attachment 2 – Strategic Assessment.

- Create a well-planned, compact settlement pattern (Direction 15)
- Grow investment opportunities in the region's centres (Direction 16)
- Align land use and infrastructure planning (Direction 17)
- Create places that are inclusive, well-designed and offer attractive lifestyles (Direction 18)
- Accelerate housing supply and improve housing choice (Direction 19)
- Grow housing choice in and around local centres (Direction 20)
- Provide housing choice to meet community needs (Direction 21)
- Deliver housing in new release areas that are best suited to building new communities (Direction 22)

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 initial staff comments, a set of revised concept plans accompanied by the Design Quality Statement (prepared by a Registered Architect) outlining key points that establishes how the proposal satisfies the design quality principles outlined in Schedule 1 of *State Environmental Planning Policy No 65* were submitted, that are considered to be generally consistent with these objectives.
2. The concept plans indicate an FSR of 1.74:1, not 2:1 as requested in the planning proposal. The density of 1.74:1 appears to allow for appropriate building setbacks, building separation, and a stepped-down transition to the low-density residential development to the east. Based on this evidence an increase in the maximum FSR to 1.75:1 can be supported, as it has not been proven that an FSR of 2:1 will achieve these objectives.
3. The concept plans relate to a development that occupies 6 parcels known as Lot 117-122 in DP 10650 (43-46 The Esplanade). Consolidation of these parcels is proposed in order to avoid a poor urban design outcome if the lots were developed independently. This can be achieved either by a Voluntary Planning Agreement or by means of an appropriate provision under the GLEP or CCLEP.
4. The concept plans indicate a shortfall in the provision of carparking for the commercial floorspace. The Carparking Contributions Plan is oversubscribed and is currently not accepting contributions in lieu of carparking. As such the required carparking spaces will need to be accommodated on the subject site.
5. Lot 2 in DP 1249007 and 0/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 also be reviewed as the current controls do not reflect the existing approved development.

### **Current Status**

Following a meeting with the proponent on 11 March 2021 the following has been confirmed:

- (i) An FSR of 1.75:1 and maximum building height of 17 metres was acceptable and would achieve the expected development outcomes;
- (ii) 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.

- (iii) 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
- (iv) An appropriate public benefit of agreed public domain improvements (eg. enhancement of the pedestrian laneway between No 46 and No 49 The Esplanade and/or a contribution towards upgrading of the adjacent foreshore reserve), is proposed under a Voluntary Planning Agreement to be exhibited with the Planning Proposal.

## **Internal Consultation**

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

- *City Planning and Design*

In terms of Urban Design, an increase in the maximum height to 17 metres and an increase in the maximum FSR to 1.75:1 could be supported as discussed below:

The concept plans indicate an FSR of 1.74:1, not 2:1 as proposed in the planning proposal. An FSR of 1.74:1 appears to allow 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 1.74:1 allows for basement parking, a ground floor of commercial and residential development and two small towers of residential development. There is an appropriate choice of development on the ground floor with a commercial address to The Esplanade and a residential address to Picnic Parade.

Based on the information provided, Council could only support an increase in the maximum FSR to 1.75:1, as it has not been proven that an FSR of 2:1 will achieve the objectives of limiting overshadowing, allowing for view sharing and providing a transition to the low-density zone to the east.

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 height of 17 metres. There is a single storey residential component setback from the boundary to Picnic Parade and this is an appropriate address to the lower-scale residential zone to the east. The maximum height of 17 meters or 5 storeys only applies to the two small towers and appears to be an appropriate transition from the Mantra Resort (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. Based on the concept drawings and combined with the building form generated by the FSR of 1.74:1, the maximum building height of 17 metres could be supported on the site.

- *Engineering*

*Traffic Generation, Design and Transport*

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

Access

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

Traffic

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

Carparking

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

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

The parking shortfall of 7 spaces for commercial is not supported as there are presently limited available total parking on nearby locations. It is also noted that the Car Parking Contributions Plan is oversubscribed.

Proposed carparking provisions in accordance with Council's DCP (Gosford) will need to be provided on-site.

- *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.

- *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.

- ***Environment***

Considering that the subject site 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.

#### *Further Studies Likely to be Required by Gateway:*

The planning proposal is supported by a several preliminary specialist studies and revised Concept Plans (January 2021). This information is considered to be sufficient for Council to endorse referral to the Gateway for a Determination. Subject to the terms of the Gateway Determination, it is likely that further detailed work on the following issues will be required to progress the planning proposal post Gateway Determination:

- Service infrastructure provision;
- Social Impact and Open Space and Recreational demands.

#### **External Consultation**

Government agency and public consultation requirements will be detailed in the Gateway Determination and conducted accordingly. It is anticipated that due to the existing development surrounding, and the location, that a number of government agencies may be required to be consulted, such as the following:



- Transport for NSW, regarding transportation and road networking matters;
- Department of Planning, Industry and Environment on regional planning matters;