



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

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29 June 2021 Ordinary Council Meeting

Reference: 083.2019.00000106.001 - D14595234  
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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:**
  - 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).**

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**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 0/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

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- 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 O/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 O/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.

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- 2 The maximum height of 17 metres or 5 storeys is an appropriate transition from the Mantra Resort (9 storey) and the Atlantis (5-7 storey) developments to the west, The Ettalong Hotel (4 storey) to the north, down to the 1-2 storey residential to the east.
- 3 The FSR has been reduced from 2:1 to 1.75:1 to better reflect the concept plan submitted with the Planning Proposal. The density of 1.75:1 allows for appropriate building setbacks, building separation, and a stepped-down transition to the low-density residential development to the east.
- 4 The proposal relates to a development that occupies 6 parcels known as Lot 117- 122 in DP 10650 (43-46 The Esplanade) Ettalong Beach. Consolidation of these parcels is proposed in order to avoid a poor urban design outcome if the lots were developed independently. This can be achieved either by a Voluntary Planning Agreement or an appropriate provision under the GLEP or CCLEP. The mechanism will be formalised following issue of a Gateway Determination.
- 5 Lot 2 in DP1249007 and 0/SP 99403 (No 49 The Esplanade) forms part of the Planning Proposal but is not included in the concept plans of the future development. The planning controls for this lot will be reviewed to be consistent with the State Significant Project Approval for the site, as the current controls do not reflect the existing approved development.
- 6 The proponent has confirmed that a public benefit, in the form of agreed public domain improvements, will be delivered as part of the development. The public benefit will be detailed in a Voluntary Planning Agreement (VPA) and placed on public exhibition alongside the Planning Proposal and delivered as part of the development. The proposed public benefit will be in addition to the Section 7.11 Contributions applicable to the development. The VPA will be formalised following issue of a Gateway Determination.
- 7 The concept plans show a shortfall in the provision of carparking for the commercial/retail floorspace. The Carparking Contributions Plan is oversubscribed and is currently not accepting contributions in lieu of carparking. As such the required carparking will need to be accommodated on the subject site.

### **Report**

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

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### **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.

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### 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

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|---|---|-------------------------------|-----------|
| 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 |