

CLARKE DOWDLE & ASSOCIATES

DEVELOPMENT CONSULTANTS

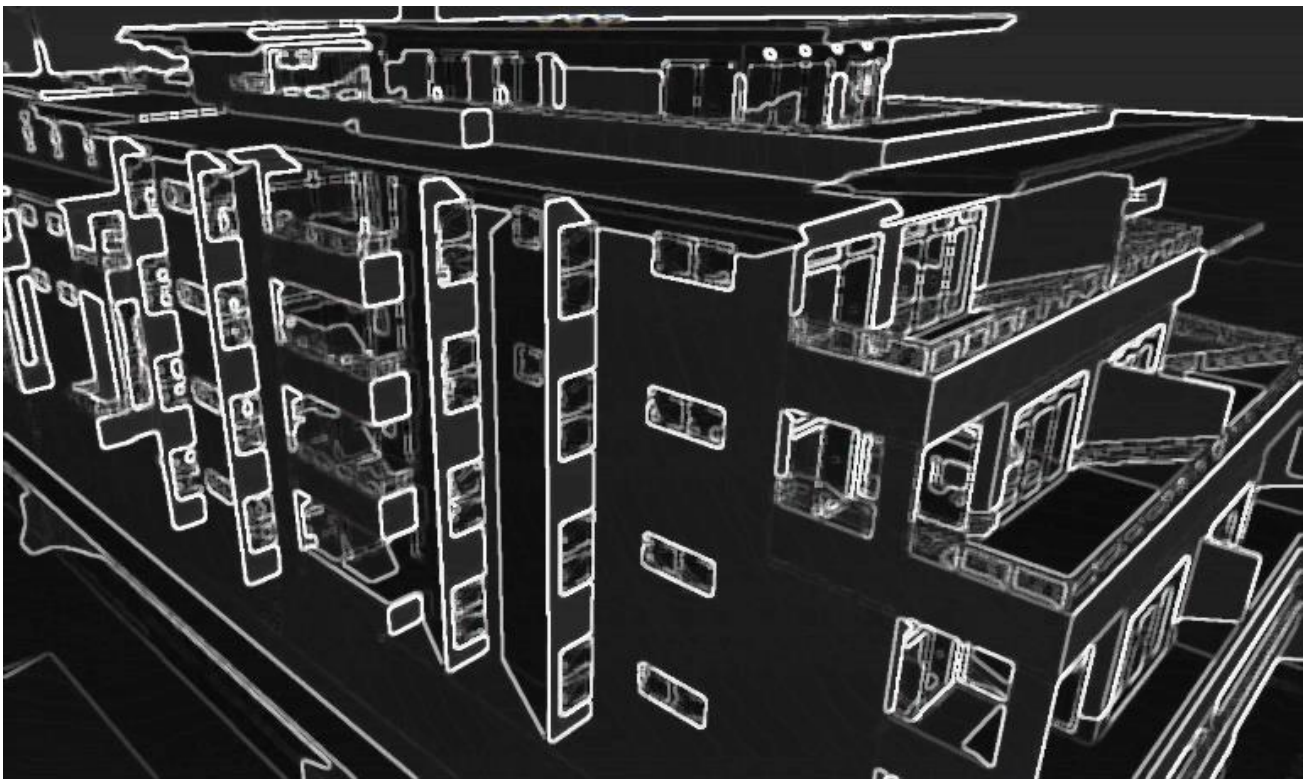
SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

Statement of Environmental Effects

Mixed Use Development

Lots 1 - 4 DP 24978

227-233 Ocean View Road, Ettalong Beach



Our Ref: 18145



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1.0 Introduction

This Statement of Environmental Effects (SEE) has been prepared by *Clarke Dowdle & Associates* (CDA) on behalf of *Jedaclew Pty Ltd* to support a Development Application (DA) for the demolition of existing structures and the construction of a commercial and shop top housing development.

The subject site comprises three allotments legally titled as lots 1 - 4 in DP 24978 and known as No's. 277 – 233 Ocean View Road, Ettalong Beach. The site includes relatively small scale single storey commercial buildings which is zoned B2 Local Centre under the *Gosford Local Environmental Plan 2014* (GLEP 2014) and located within the 'Ettalong Beach Town Centre' within the Gosford Development Control Plan (DCP 2013).

The built form of the building will comprise a single building with street entry. Key features of the proposal include:

- basement car parking;
- One (street) level of commercial tenancies;
- 5 levels of 1, 2 and 3-bedroom residential apartments (25 apartments in total); and
- landscaping of the building and its surrounds.

This SEE has been prepared in accordance with Clause 2(1)(c) & 4 of Schedule 1 of the Environmental Planning & Assessment Regulation 2000, having regard to Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The SEE provides a description of the existing land and the site context in Section with details of the proposed development. The environmental planning controls applying to the site and an assessment of compliance with these controls.

2.0 Site Location and Description

Ettalong Beach is located within the Woy Woy Peninsula which is located at the southern end of the Central Coast; approximately 30 minutes drive from Gosford and 90 minutes from Sydney. The site is also located within walking distance to the Ferry Street jetty that runs on a daily basis to Palm Beach. The site is located within the eastern end of the Ettalong Beach Village CBD within the coastal suburb of Ettalong Beach which is located at the head of the Brisbane Water that meets Broken Bay towards the southern end of the Woy Woy Peninsula.



The area has developed since the 1900's from a primary fishing and dairy production area to a growing seaside residential locale with mixed residential development with villas and strata units and single dwelling-houses. Of recent times larger scale tourist and multi-unit developments have been approved and erected around the village business centre.



Figure 1. Site Location in relation to the southern end of the Central Coast LPI November 2019

The rectangular shaped allotments are legally described as Lots 1- 4 in DP 24978 and is known as No.227 – 233 Ocean View Road, Ettalong Beach. The flat 1951m² site is 30.47 metres in width, 64.01 metres in length and obtains direct vehicular access to the public road reserve as indicated in photographs 4 and 5. The site contains single storey masonry commercial development with ancillary structures located to the rear of the lots.

The surrounding residential development to the north and east is characterised by primarily low rise medium density housing and an eclectic blend of one and two storey dwelling-houses, ranging from modest, post-war design to dwelling-houses of a contemporary appearance. Whilst to the west is low scale commercial development that increases in scale as towards the western end of the business zoned land that includes the *Ettalong Beach*

Hotel and a recently erected mixed use development located across the road from the hotel located on the corner of The Esplanade and Memorial Avenue.

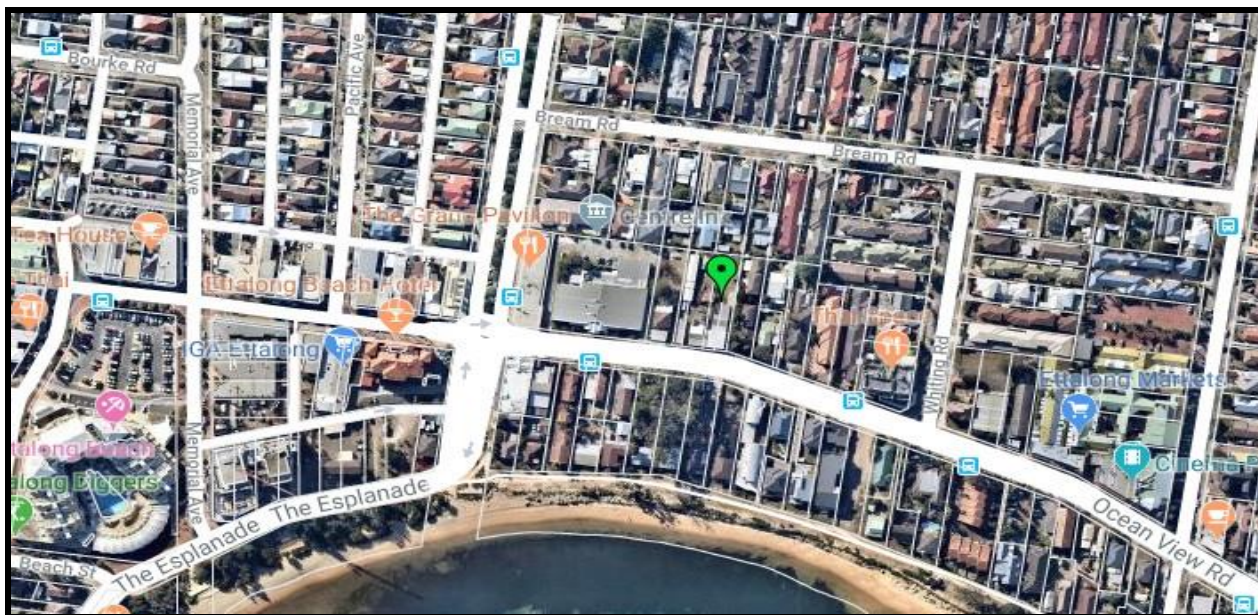


Figure 2 – Site Location in relation to Ettalong Beach / Booker Bay

Source: Nearmap (Nov 2019)



Figure 3 – Site Location

Source: LPI Mapping (Nov 2019)



Figure 4 – Photograph of the site from the street looking eastwards

CDA (Nov 2019)



Figure 5 – Photograph of the site from the street

CDA (November 2019)



Figure 6 – Photograph of the Ettalong CBD – Ettalong Hotel in the foreground CDA (November 2019)



Figure 7 – Photograph mixed use development across the road from Mantra – 49 The Esplanade CDA (November 2019)



Figure 8 – Photograph of the Mantra apartments – located nearby

CDA (November 2019)



Figure 9 – Photograph of mixed use development on the corner of Ocean View Road & Whiting Street.
CDA (November 2019)



Figure 10 – Photograph of Ettalong Town Centre from the corner of Ocean View Road & Memorial Avenue. GMAPS (November 2019)

2.1 Metropolitan Context

The site is located within the Local Government Area of Central Coast and is within the immediate proximity of the Ettalong CBD. The area is characterised by a mixture of medium density residential of development to the east and north and small scale commercial, retail, medical and recreational establishments of varying height, bulk and scale to the west. The site is located near public bus transport, recreational facilities, retail facilities, medical centers / hospitals and sporting grounds. It is considered that the proposal is in keeping with the existing and likely future development of the surrounding area.

2.2 Infrastructure

The site is serviced by water, sewer, telecommunication and power services. Nearby public transport includes buses and railway, which are approximately 50 metres for the bus and 4.2 kilometres for the railway station, from the site. Woy Woy Station is a major stop for the main Sydney to Newcastle train line. The M1 Pacific Motorway is also only 15 kilometres from the site as the M1 is the main motor vehicle connection to Newcastle and Sydney.



2.3 Site development history

During the 1990's Council approved various small scale commercial operations within the existing garages or the front sections of the buildings with dwellings attached to the rear. A more recent approval at No. 227 Ocean View Road (DA45797/2014) allowed the front portion of the building to be utilised as an electronics store.

2.3.1 Recent DA's

On a similar DA was for a similar scale mixed use development and due to various concerns to the design and amenity impacts, to a large degree the size of the lot and subsequent side setbacks / zoning interface departures from the SEPP 65 elements. Subsequently the application was withdrawn from assessment.

2.3.2 Amendments from the previous proposal

Element	Previous	Now Proposed
Lot Size	1560m ²	1951m ²
Units	22	25
HOB	19.4m (lift overrun) / 18.8m (ridge)	19.41m (lift overrun) / 18.67 (ridge)
FSR	1.68:1	1.6:1
Building Footprint	1076m ²	1160m ²
Setbacks		
Front	1.2m	1.2m
East (zone interface)	3m (balcony) 3m (wall)	6m (balcony) 7m (wall)
West	1.6m (balcony) 3m (wall)	3m (balcony) 4.25 (wall)
Rear (north)	7.8m	7.8m
DSZ	13.4%	30%
Parking	32 Residential 3 commercials 2 motorbike 13 bicycle 2 accessible	32 Residential 3 commercials 4 motorbike 15 bicycle 2 accessible



3.0 Description of Proposal

The proposal comprises the demolition of existing development on the site and the construction of a 6-storey mixed-use building.

The building is proposed to accommodate commercial & shop-top housing development. The built form of the building will comprise a single building with a single level basement.

Key features of the proposal include:

- Basement parking levels of car parking integrated into the fabric of the base of the building,
- Stormwater infrastructure
- Ground floor of commercial tenancies;
- 5 levels of 1, 2 and 3-bedroom residential apartments (25 apartments in total); and
- Landscaping of the building and its surrounds.
- Further details of the proposal are provided in the following sections.
- Demolition and Earthworks
- All existing development within the site is proposed to be demolished. The building footprint will be levelled, one level of the carpark will be buried, and services will be buried as required. No other significant excavation is proposed. A Demolition Plan is attached with the DA.
- As outlined in the DCP the sites position within the 'Mixed Use' character statement calls for the City Centre's 'tallest buildings' which take advantage of the opportunity for views to encourage residential and commercial outcomes that promote investment with benefits. In response to the site's prominent position, the built form comprises a 6 storey shop top development with a highly articulated façade, positioned over one level of basement parking. The maximum building height is 19.41m and the building will have a floor space ratio (FSR) of 1.6:1.
- Extensive façade articulation and treatment on all sides, separate commercial and residential entries;
- street-level pedestrian entrance on the Ocean View Road frontage;
- Dedicated and separate residential and commercial lobbies;

- Internal loading dock and waste collection area. The proposed 6-storey tower has the following key features:
 - Maximum height of 19.41m (lift overrun) 18.67m (ridge)
 - Building setback to Ocean View Road of 1.2 metres;
 - Building setbacks of approximately 7.8m to the northern boundary
 - Varying eastern and western side setbacks;
 - Extensive façade articulation and treatment on all sides;
 - landscaping, seating and barbeque facilities.

Unit mix:

Storey	Type	No.
L1	2 bed	1
L1	2 Bed + Study	1
L1	3 bed	2
L1A	1 bed	1
L1A	2 bed + Study	1
L1A	3 bed	1
L1A	2 bed	1
L2	2 bed + Study	1
L2	2 bed	1
L2	3 bed	2
L3	2 bed	1
L3	2 bed + Study	1
L3	3 bed	4
L4	2 bed + Study	1
L4	2 bed	1
L4	3 bed	4
L5	3bed	1
Total		25

Unit Percentages	%
1 bed	4
2 bed	20
2 Bed + Study	20
3 bed	56

3.1 Commercial Component

The proposed ground floor will accommodate commercial tenancies with a total Net Floor Area (NFA) of 90.2m². The exact use of each commercial tenancy and associated operational details are to be confirmed by future tenants and are subject to separate approvals as required. Pedestrians will be able to access the commercial area directly from Ocean View Road. To further activate the street frontage, there is the potential to establish an outdoor dining area (subject to future approval). A dedicated commercial lobby with a separate access will provide direct entry to the commercial area. Pedestrians will be protected from the elements via the balcony above. Toilet facilities are proposed in association with both commercial tenancies with a unisex toilet for people with disabilities.

3.2 Residential Component

The proposed shop top residential component will accommodate 5 levels of residential development, with a total of 25 apartments. The apartments will accommodate a mixture of 1, 2 and 3 bedrooms, as outlined in Table 2. Residential development has been designed with reference to the Apartment Design Guide and State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development). Each apartment will have direct access to a private balcony or terrace with each having a floor area between 29.37m² to 174.49m². Residents will also have access to a generous communal open space at ground level. All apartments will benefit from extensive views over the local area, including a number with views south towards the Brisbane Water waterfront. Dedicated and secure storage lockers will be provided for each apartment within the carparking levels, as shown on the plans. Pedestrian access from street level will be via a dedicated residential lobby off Ocean View Road, leading to a lift. A stairwell is also proposed to maximise permeability through the building. Vehicle access and car parking provision is discussed in Section 3.4 below.





Figure 11 – Render of the front (southern elevation)

(November 2019)

3.3 Vehicle Access and Parking

Carparking is proposed over via a driveway off Ocean View Road. Parking spaces will be numbered and allocated with 32 residential spaces and 3 commercial spaces and secure storage for bicycles is proposed with vehicle access to all parking areas will be restricted via roller doors on the ramps from the loading dock area (proposed to be open during business hours to allow access to commercial spaces). The basement and ground floors cater for 15 bicycle spaces, 4 motorbike spaces and 2 accessible spaces. Pedestrian access to all levels will be via direct paths or a number of staircases and lifts (separated for residential and commercial uses). Delivery and waste collection vehicles will enter the Ground floor loading dock via the shared driveway. The loading bay / waste vehicle parking area within the ground level carpark. The design of this area allows for the swept path movements associated with the entry and exit of refuse collection vehicles in accordance with Council requirements.

3.4 Landscaping & Outdoor Space

The proposal includes site landscaping and a formal communal open space area, A deep soil zone (593.69m²) at ground level, accommodating turf, shrubs and trees. This area is intended predominantly as a passive recreation space and to provide separation between developments; A communal open space area that includes seating, barbeques and significant landscaping. The total area of landscaping is 791m² (inclusive of the deep soil zone). Further details of the proposed landscaping regime are provided in the Landscape Design report and accompanying drawings.

3.5 Waste Management

A waste room within each residential floor will accommodate a garbage chute system, allowing general waste to be transported directly to the garbage collection room on the Ground floor. A recycling cupboard on each floor will allow for the temporary storage of recyclables until collection and transport to the waste room by the building caretaker. Commercial waste will also be separated into general waste and recyclable bins and stored within a dedicated storage room on the Ground floor. Residential waste is anticipated to be collected by contractors 3 times per week, and commercial waste will be collected by a private contractor twice a week. Further details on operational waste management are provided in the Waste Management Plan prepared by *HLA Consulting*.

3.6 Pre-lodgement Consultation

A Pre-Development Meeting was held with Council's Senior Development Assessment Planner (Robert Eyre) and other Council staff on 5 July 2018. Council subsequently provided written minutes of this meeting. The key issues arising from this meeting have been addressed throughout this SEE. In addition, a response to each of the matters raised is provided within this report.

4.0 Statutory and Policy Compliance

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:



- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

The following Environmental Planning Instruments are subject to the subject land and have been duly considered in the preparation of this development proposal and application.

5.0 Objectives of the Environmental Planning and Assessment Act 1979

The objects of the act are:

- (a) to encourage:*
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) the protection, provision and co-ordination of communication and utility services,*
 - (iv) the provision of land for public purposes,*
 - (v) the provision and co-ordination of community services and facilities, and*



(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

(vii) ecologically sustainable development, and

(viii) the provision and maintenance of affordable housing, and

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Comment:

The commercial and shop top building design would not result in any adverse environmental, amenity, social or economic impacts to the site and surrounding area. The proposal entails increase in development density that is commensurate with the locality and the land use zoning. The application would be compatible with the intention and rationale outlined in the Department of Planning's planning publication '*The Metropolitan Plan 2036*' which is further outlined in the '*Central Coast Regional Plan 2036*'.

The use of the land would not adversely impact on the surrounding properties and would allow the existing environment to be adequately protected whilst allowing suitable and appropriate creation of new commercial development and dwellings to proceed. The use of the land for the erection of a mixed use development is considered to be an orderly and economic use of the subject land, whilst reflecting the character of the locality and the environment.

The proposal would be consistent with the established and evolving higher density residential development pattern in the locality and meets the objectives outlined of the act and would be in the public interest. It is considered that the development satisfies the objectives of the *The Environmental Planning and Assessment Act 1979*.

In determining the DA, the Council is required to have regard to the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act



1979. The following sections provide an assessment of the proposal under these statutory matters for consideration.

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

The following Environmental Planning Instruments are subject to the subject land and have been duly considered in the preparation of this development proposal and application.

The relevant Statutory Planning Controls include:

- Environmental Planning & Assessment Act 1979 – Section 4.15
- *State Environmental Planning Policy No. 32- Urban Consolidation*
- *State Environmental Planning Policy No. 55- Remediation of Land*
- *State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (SEPP) – Coastal Management*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Gosford Local Environmental Plan 2014*
- *Gosford Development Control Plan 2013*



5.1 Draft Central Coast Local Environmental Plan 2018

Under the provisions of Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018) which was exhibited from 2 December 2018 until 28 February 2019, the zoning of the subject sites remains B2 Local Centre. Shop top housing continues to be a permissible land use within the CCLEP 2018.

5.2 State Environmental Planning Policy No. 55- Remediation of Land

The objective of this SEPP is to provide a state-wide planning approach to the remediation of contaminated land for the purpose of reducing risks to human health and the environment. Relevant to this proposal, Clause 7 provides that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Further, if the land is contaminated, Council must be satisfied that the land is suitable (or will be made suitable, after remediation) for the proposed use.

Subclause 7(2) specifies that, before determining a DA involving certain land (which would include the subject site) the consent authority must consider a preliminary contamination investigation of the land. Accordingly, We have not been advised by the client of any potential past contaminating activities. The current use of the site is low scale retail and partial residential and there is no historical information that suggests that the site has the potential to be contaminated or would restrict the continuation of such uses on the site.

5.3 State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development

This SEPP aims to improve the design quality of residential apartment development in NSW. The design quality principles are found in Schedule 1 of the SEPP. *Ian Basset & Partners* have outlined how the proposed development responds to each of these principles, as listed within the Response to SEPP 65 Design Principles including reference to the objectives, design criteria and design guidance of the ADG. The SEPP 65 Report confirms that the proposal satisfies the nine (9) design quality principles of:

- Context and neighbourhood character;
- Built form and scale;
- Density;



- Sustainability;
- Landscape;
- Amenity;
- Safety;
- Housing diversity and social interaction; and
- Aesthetics.

The SEPP 65 Apartment Design Guide also applies to the proposal, and an assessment of how the proposal addresses the design criteria is provided below.

Design Criteria	Proposal response to criteria
<p>Communal Open Space Communal open space minimum of 25% of the site</p> <p>50% direct sunlight to communal open space for min. 2hrs, 9am-3pm mid-winter</p>	<p>Communal open space is provided at ground level. The ground level communal open space will provide opportunities for occasional gatherings of residents and guests. BBQ facilities will be provided.</p> <p>Landscaping adjacent to the eastern boundary is also provided for planting horticulture or a quiet stroll.</p> <p>Double the minimum requirements of the ADG have been met with a Deep soil zone of 594m² provided at ground level.</p>
<p>Deep Soil Zones For sites between 650m² and 1,500m², 7% of site area, min width 3m.</p>	<p>Deep soil planting has been provided and comprises 594m² (30%) An additional 197m² of landscape area is provided contiguous with the DSZ.</p>
<p>Visual Privacy Side & rear boundary setbacks</p> <p><u>Habitable</u></p> <ul style="list-style-type: none"> • 6m up to 4 storeys • 9m 5-8 storeys <p><u>Non- Habitable</u></p> <ul style="list-style-type: none"> • 3m up to 4 storeys • 4.5m 5-8 storeys 	<p>A variation is sort in relation to side setbacks. As outlined in the ADG Report the objectives of SEPP 65 have been met in terms of visual privacy, being controlled at the source with suitable privacy screens, or highlight/frosted windows; where openings and balconies are within the recommended separation distances.</p> <p>This variation needs to be considered in the context of the available width of the site.</p>

<p>Solar & Daylight Access Living rooms and POS of 70% of apartments receive min 3hrs sunlight, 9am-3pm mid-winter. Max 15% apartments receive no direct sunlight, 9am-3pm mid-winter.</p>	<p>The following is a breakup of the units and the percentage of direct sunlight they receive at mid-winter:</p> <table border="1" data-bbox="810 331 1436 566"> <thead> <tr> <th>Unit %</th> <th>Sunlight (hrs)</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td>16</td> <td><3</td> <td>9am – 3pm</td> </tr> <tr> <td>24</td> <td>3</td> <td>8am – 3pm</td> </tr> <tr> <td>60</td> <td>>3</td> <td>9am – 3pm</td> </tr> </tbody> </table>	Unit %	Sunlight (hrs)	Time	16	<3	9am – 3pm	24	3	8am – 3pm	60	>3	9am – 3pm
Unit %	Sunlight (hrs)	Time											
16	<3	9am – 3pm											
24	3	8am – 3pm											
60	>3	9am – 3pm											
<p>Natural Ventilation Min 60% apartments naturally cross ventilated. Max 18m depth of cross-over or crossthrough apartments.</p>	<p>Depths of all habitable rooms supports natural ventilation.</p> <p>60% apartments naturally cross ventilated</p>												
<p>Ceiling Heights Min 2.7m (hab), 2.4m (non-hab)</p>	<p>All habitable rooms are min 2.7m ceiling height in all units other than the proposed mezzanine units, where some sleeping or utility spaces are 2.4m. These are offset by double height living areas which constitute the majority of the floor area of these units. All non-habitable room are not less than 2.4 ceiling height.</p>												
<p>Apartment Size and Layout Min apartment size</p> <ul style="list-style-type: none"> • 1 Bed 50m2 • 2 Bed 70m2 • 3 Bed 90m2 Variable sizing and layout requirements 	<p>Complies with numerical measures</p> <p>The building has been designed to provide apartments that are well proportioned, functional and provide a good standard of internal amenity for the occupants.</p>												
<p>Private Open Space</p> <p>Min balcony area/ depth</p> <ul style="list-style-type: none"> • 1 Bed – 8m² / 2m • 2 Bed – 10m² / 2m 	<p>The proposed units obtain generous sized balcony areas that obtain direct connectivity with the living areas.</p>												
<p>Common Circulation Max 8 apartments off circulation core on a single level</p>	<p>Complies</p>												
<p>Storage</p> <ul style="list-style-type: none"> • 1 Bed – 6m³ • 2 Bed – 8m³ <p>50% within apartment</p>	<p>The proposal can provide internal storage within units, consistent with the volume requirements.</p>												

5.4 State Environmental Planning Policy (SEPP) Coastal Management

The Coastal Management SEPP consolidates and improves current coastal-related SEPPs. It replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) and ensures that future coastal development is appropriate and sensitive to our coastal environment, and that we maintain public access to beaches and foreshore areas.

Under the SEPP the site is identified as being located within a Coastal Environment Area (CEA) and is also located within the coastal use area. Any development on land identified as a CEA is required to be in accordance with Clause 14, 15 and 16 – Development on land within the coastal environment area of the above SEPP. The proposal will not have an impact upon the coastal environment and is therefore consistent with the requirements of Clause 14, 15 and 16 which relate to development in the coastal zone generally and requires that development is not to increase the risk of coastal hazards and is to be consistent with any coastal management programs where applicable.

The site is also identified within the coastal use area. The application is therefore required to take into consideration Clause 15 – Development on land within the coastal use area. The proposed development has been assessed against Clause 15 of the above plan and has been found to be consistent with the requirements for developments within the coastal use area and will not result on any impact within the coastal features located on the site. It is noted that main impact would be the discharge of stormwater and subsequently nutrient treatment would be implemented with the stormwater design.

5.5 State Environmental Planning Policy (BASIX)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 aims to ensure consistency in the implementation of the BASIX scheme throughout the State. A



BASIX certificate is required for all new dwellings and has been considered in this application as a BASIX certificate has been submitted as part of this application.

5.6 Regional Strategies

The subject land, being part of the Central Coast of NSW, is covered by the *Central Coast Regional Plan 2036*.

Greater housing choice is prioritised to satisfy the community's desire for smaller households. The plan places emphasis on providing new housing in existing and committed growth areas. To meet the projected housing demands over the next 20 years, an average of 1,980 new homes will need to be constructed each year. This is 590 more homes than the average annual housing production of 1,390 dwellings over the 19 years to 2014-15. The proposed development will provide 25 units within the Ettalong Town Centre and as such, is consistent with visions, goals and actions for accelerating housing supply over the next 20 years in order to meet housing targets.

As outlined within Direction 20 A specific outcome of the centres and housing section of the strategy is:

Direction 20: *Grow housing choice in and around local centres The Central Coast has local centres and neighbourhoods that offer housing choice, local jobs and services to meet residents' daily and weekly needs including retail, health and personal services.*

Locating retail and commercial development in centres will make them more robust and maximise the use of existing infrastructure and community facilities. It will also allow for more efficient public and active transport use and catalyse further urban renewal.

If well configured and well designed, local centres can have a unique character. They can create a sense of place, belonging and connectedness that makes them an attractive place for residents and investors.

- *Actions 20.1 Improve housing choice by supporting housing delivery in and near the growth corridors and local centres.*
- *20.2 Promote renewal opportunities in other local centres that have good accessibility and can support small-scale renewal.*

- *20.3 Implement policies, plans and investment options that will support greater housing diversity in centres.*

The proposed mixed development will include well designed housing within close proximity to services and facilities, preferably within walking distance. Well located new development will assist in creating better, attractive, adaptable and self-reliant settlements that foster a stronger sense of community identity and place. The provision of more adaptable housing will allow the ageing population to ‘age in place’.

5.7 Gosford Local Environmental Plan 2014

The Gosford Local Environmental Plan (GLEP 2014) is Council’s primary planning control for development in the Gosford Municipality and establishes the requirements for the use and development of within the Gosford City Local Government Area. The GLEP provides objectives, zones and principal development standards including minimum lot sizes, floor space ratios and height of buildings. The zoning maps provided by Gosford City Council’s website indicate the subject site is currently zoned B2 Local Centre. The proposed development is defined as ‘*commercial and shop top housing*’ under GLEP 2014 and is permissible in the zone with Council’s consent. The proposed residential flat building design is consistent with the zone objectives and is permissible subject to Council consent.

The objectives of the B2 Local Centre zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential uses, but only as part of a mixed use development.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To promote ecologically, socially and economically sustainable development.*
- *To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population*

catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.

- To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.*
- To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.*
- To ensure that the different roles of villages are recognised with some villages being key tourist destinations with boutique activities in addition to serving the needs of local residents, while other villages are purpose-built centres to serve the needs of the local population.*
- To encourage the residential population of villages and town centres to contribute to the vitality of those locations.*

Comment:

- The proposed mixed use development is permissible within the B2 Local Centre and satisfies the zone objectives through the increased provision of commercial opportunities and housing accommodation within a higher density residential zone that is well serviced by public transport. The mixed use development is conveniently located within close proximity of services including public transport options, Ettalong Town Centre that includes essential goods and services, The Ettalong Beach Club, Ettalong Markets, Springwood Bowling Club, Cinema Paradiso, Ettalong Oval and the Brisbane Water foreshore.
- The mixed use development would be compatible with the surrounding land uses and allows the construction of additional commercial development and dwellings in line with the needs of the community.
- The proposal would allow a mixed used development aesthetic architectural design and the incorporation of landscaping that is compatible with the locality.



- The high internal performance of the units, lack of external impacts to the surrounding properties as well as the improved environmental and social outcomes ensure that the scale of the proposal satisfies the zone objectives and the desired future character as encouraged by the local controls.

Below is a compliance table outlining a summary of the relevant development standards within the GLEP 2014. The proposal complies with the relevant development standards of GLEP.

Gosford LEP 2014			
Development Standard	Requirement	Proposal	Compliance
Cl. 4.1B Minimum Lot Size	750m ²	1951.28m ²	Yes
Cl 4.3 Height	17m	19.41m	No – refer to cl 4.6 variation
Cl 4.4 FSR	2.0:1	1.60:1	Yes

5.7.1 Clause 4.6 Exception to Development Standards – Height of Building

- Clause 4.3(2) Maximum Height of Buildings
- The subject lands are designated P1 and have a maximum height of 17m under the Gosford Local Environmental Plan 2014 as shown in Figure 10
- Maximum Height of proposed building: 19.41

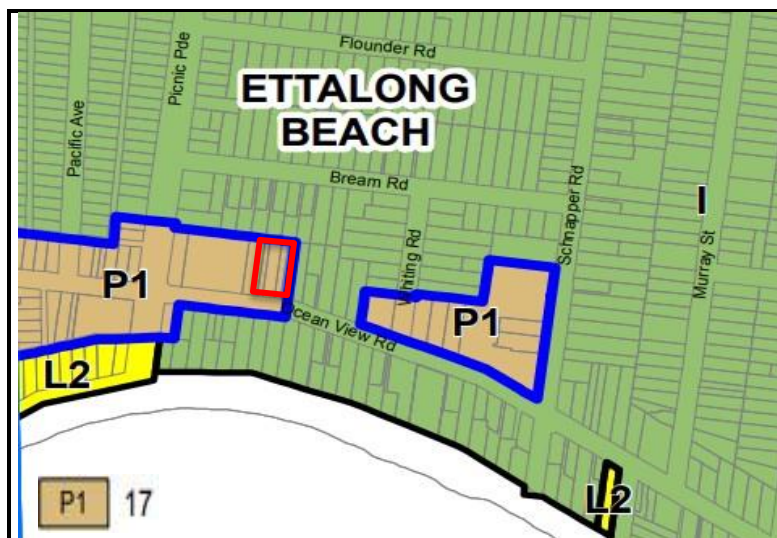


Figure 12. Extract from the Gosford Local Environmental Plan 2014

HOB_016C



The Nature of the Development Standard sought to be varied and details of the variation:

The proposed building exceeds the maximum building height, a variation request under Clause 4.6 – Exemption to Development Standard under the Gosford Local Environmental Plan 2014 in relation to the 17m Building Height standard and the departure from this standard where a building height of RL19.41m AHD is proposed which is 2.41 metres above the maximum building height. As required by this clause, a written request for an exception to the required maximum building height is made as part of the Statement of Environmental Effects which accompanies the development application. It is noted that Council acknowledges potential support for exceptions to the development standards to be varied pursuant to Clause 4.6. Consequently, the provisions of the clause and specifically sub-clause (4) need to be met.

Clause 4.6 Exceptions to Development Standards states:

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or



(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clauses 6.1–6.3.

The Nature of the Development Standard sought to be varied and details of the variation:

The proposed mixed use development does not meet the LEP height of building under Clause 4.3(2), which entails a variation of 2.41m (14.2%) above the 17m numerical measure.

Background:

The Gosford LEP 2014 includes clause 4.6 Exceptions to Development Standards. The clause 4.6 of the Standard Instrument LEP is effectively the successor to SEPP 1, as it aims to enable development standards (such as height and FSR) in the relevant LEP to be varied where appropriate. It allows flexibility in the application of development standards, in order to achieve overall better planning outcomes. Similar to SEPP 1, it is subject to a series of stringent prerequisites to ensure that variations to development standards are only permitted in appropriate circumstances. The LEP clause allow the consent authority to consider a numerical departure under the broad discretion under clause 4.6(4) a variation has sufficient



environmental planning grounds to justify contravening the development standard. In this case the clause 4.6 variation provides for some degree flexibility to the development standard pertaining to the height of the proposed mixed used development.

This planning justification is outlined below and is consistent with the methodology / framework that has been established in a recent series of judgments in the matter of *Micaul Holdings Pty Limited v Randwick City Council (2015)* and *Moskovich v Waverley Council [2016]* certainly shed some further light on how those prerequisites can or should be applied primary in relation to assessing the development in regards to environmental planning grounds and the applicable objectives outlines in the applicable environmental planning instruments. The discussion below utilises the parameters outlined in the court judgement to provide the appropriate planning justification in regard to the submission of a Clause 4.6 Exceptions to Development Standards, in this case Clause 4.3(2) height of building. Compliance with the mapped 17m building height for the proposal is unreasonable or unnecessary as the proposal is consistent with the objectives of the height of building clause.

Objectives of the development standard (Clause 4.3(1) of Gosford LEP 2014), notwithstanding the non-compliance, as detailed below:

(a) to establish maximum height limits for buildings

Comment:

The objective provides the purpose to limit the height of buildings provisions within certain areas. The proposal is not inconsistent with the objective.

(b) to permit building heights that encourage high quality urban form

Comment:

The additional height is minor in magnitude and is considered design response for the site that consolidates the building height within relatively small footprint that minimises site coverage allowing appropriate building setbacks and landscaping opportunities within the site. The additional height encourages high quality urban form by responding directly to the applicable planning controls, respecting the allowable FSR, minimising the

extent of any non-compliance to a small recessive roof section to 1 apartment that reinforces the desired attributes and character of the Ettalong Town Centre by proposing an articulated and provides a visually interesting architectural roof form.

Strict adherence to the numerical measure can only be achieved with the deletion of the architectural roof elements associated with the penthouse apartment, that provides architectural relief to the massing of the building.

The contravention of the height control by the amended plans does not entail additional floor area or increased density as allowed by the FSR control and overshadowing to neighbouring developments.

The departure is a necessary one to achieve a reasonable unit yield on the site with improved internal amenity that ensures that orderly and economic use of the land with a development with an FSR of 1.6:1 that is well below the FSR limitation of 2:1.

The minor numerical departure does not entail environmental or amenity effects of significance that would cause concern. It is considered that the amenity benefits from the departure results in a better planning outcome that justifies the numerical departure.

The proposal involves the consolidation of 4 properties and will result in a locally significant renewal project in the Ettalong Beach Town Centre. Having a larger site provides greater opportunity for accommodating the scale of development as proposed, and compared to smaller development sites, and the variation will assist with the viability of the development and in turn a major renewal project that will benefit the local area.

(c) *to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight*

Comment:

Shadow diagrams that accompany the application demonstrate that the proposal will maintain reasonable solar access to adjoining properties in mid-winter, having regard to Council's DCP requirements.

The physical departure from the numerical measure is negligible. The long section illustration prepared by the architect indicates that the 2.41m portion of the building above



the 17m plane entails a minor portion lift tower and the ceiling above the top floor whilst the ridge level of the penthouse roof is 1.67m above the 17m plane. These components of the building are located within the centre of the site which make them discernible when viewed from the street or neighbouring properties. The combination of vaulted ceiling and the north-south orientation of the lot ensures the penthouse obtains excellent internal amenity due to the available solar access and cross ventilation received whilst ensuring negligible visual impacts.

(d) to nominate heights that will provide an appropriate transition in built form and land use intensity

Comment:

The variation occurs within the centre of the floor plate and allows an appropriate transition from the roof features from the lower floors and in relation to the neighbouring sites surrounds with the town centre to the west and residential zone land to the east and north. The proposal respects its surroundings and will not generate adverse impacts on the neighbouring properties as addressed within the SEE.

Compliance with the numerical measure would not alter the overall height and bulk of the building when viewed from the public domain.

(e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area

Comment: View impacts have been considered in the DCP assessment, and due to the flat nature of the site and surrounding properties, the proposal (including the additional height) will not adversely impact on views from other properties.

(f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

Comment: the proposal does not overshadow any public open space areas and the variation will not impact on views to natural topographical or scenic outlooks from existing and future residences.



Is the proposal in the public interest because it is consistent with the objectives of the development standard and the objectives of the B2 Local Centre 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.*

Comment:

The proposal is permissible within the B2 Local Centre zone and satisfies the zone objectives through the high amenity of housing stock whilst maintaining commercial opportunities within the business zone.

- *To encourage employment opportunities in accessible locations.*

Comment:

The proposal provides the area with additional housing and employment opportunities within an area well serviced by public transport.

- *To maximise public transport patronage and encourage walking and cycling.*

Comment:

The proposal encourages walking and cycling given the flatness of the peninsula area and ease of access to local cycle routes and Brisbane Water Foreshore, shops and recreation clubs. The site is located within immediate vicinity of bus stops that run to Woy Woy Railway Station and other larger town Centres, such as Gosford and Erina.

- *To provide for residential uses, but only as part of a mixed use development.*

Comment:

The proposal provides residential uses as part of a mixed use development and will increase housing choice and diversity in the centre, and will increase population within the centre which will patronise and support local businesses.

- *To ensure that development is compatible with the desired future character of the zone.*

Comment:

The development is consistent with the desired future character of the area, as addressed in the DCP assessment. The proposal conforms to the objective of urban renewal and utilisation space of urban land to cater for the demands of a growing population and market demands for smaller dwelling accommodation near public transport, ease of access to goods and services and as well as a diversity of cultural activities within a tourist locale.

- *To promote ecologically, socially and economically sustainable development.*

Comment:

The mixed use development has been designed in accordance with BASIX requirements and will contribute positively to the Ettalong Town Centre with additional commercial operations to serve local residents and the provision of additional housing in the local centre which will support surrounding businesses. The shop development would provide accommodation and increase the diversity of dwelling accommodation within a village centre which is also popular seaside location.

- *To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.*

Comment:

This objective does not apply to the proposal.

- *To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.*

Comment:

The Ettalong Beach village centre includes several boutique shops and is becoming more diverse in the services available within the area associated with a shift in demographics and subsequent demands. The shop top proposal continues to provide commercial floor area to continue to provide the range of services and facilities that have become established and become more diverse in range with the population shift.

- *To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.*

Comment:

The shop top proposal continues to provide commercial floor area to continue to provide the range of services and facilities that have become established and become more diverse in range with the population shift.

- *To ensure that the different roles of villages are recognised with some villages being key tourist destinations with boutique activities in addition to serving the needs of local residents, while other villages are purpose-built centres to serve the needs of the local population.*

Comment:

The proposal optimises the use of scarce urban land by providing higher density housing to meet accommodation for the area and promote boutique activities in addition to serving the needs of local residents, while other villages are purpose-built centres to serve the needs of the local population.

- *To encourage the residential population of villages and town centres to contribute to the vitality of those locations.*

Comment:

The design promotes the concentration of residential accommodation to take advantage the excellent pedestrian and cycling access to the local shops, services, essential utilities and

public transport. The shop top development would contribute to the growth and vitality of the area through additional commercial activity and housing options in the beach side locale.

The Variation in the Public Interest

The proposal is considered to be in the public interest as the proposal is consistent with the objectives for development outlined within the standard for height of building.

Conclusion

For the reasons outlined above the clause 4.6 variation is provided in support of the mixed used development proposal as the proposal

- Achieves compliance with the objectives of the B2 Local Centre zone;
- Achieves compliance with the objectives of the Height of Building development standard; and
- There are sufficient environmental planning grounds to justify contravening the development standard as the request satisfies the requirements of clause 4.6 of the LEP.

The encroachment does not result in a development that is beyond the environmental capacity of the site or infrastructure (as noted elsewhere in the SEE submitted with the DA). It has been demonstrated that the encroachment of the building height control will not result in any adverse environmental impacts and is contextually appropriate given the development occurring in the immediate vicinity of the site. The variation to the Building Height requirement will not hinder the proper management and development of the Ettalong Beach retail catchment and the adjoining residential catchment. The proposal will in fact improve the social and economic welfare of the local community and create a better environment by substantially improving the liveability and amenity of the locality by activating the Ocean View street frontage and the provision of good quality accommodation space that encourages people to live within the town centre precinct as well as in the surrounding urban catchment.

The proposal will improve the architectural standard of the locality and compliment future development in the precinct. It will also offset the poor built quality of the adjacent retail/residential development. Further, the variation to the Building Height requirement will not hinder the promotion and co-ordination of the orderly and economic use and the

development of the land. Subsequently flexibility in relation to the numerical development standard is required as strict adherence to the development standard relating to the building height is unnecessary and unwarranted in this circumstance.

5.7.2 Development Near Zone Boundaries

As outlined in this report, the site is consolidated into a regularised rectangular size within the B2 Local Center zone that afforded greater development provisions than the lots to the east. The site that is boarded by a local street network to the south and medium density strata development to the north and east whilst commercial development lies to the west. As such there lies a change in zone and subsequent development potential / provisions to the north and east.

Clause 5.3 (2) applies to any land that is within 10m of a boundary between any two zones. No. 225 Ocean View Road is located directly east of the site and is relatively narrow (being 15.24m in width) thus the 10m zone interface would encompass approximately two thirds of its site area.

In light of the zone interface planning principle set out in *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117* it is considered realistic that impacts shall be anticipated by lower density residents that surround lands that have greater development provisions.

In accordance with the established planning principle the proposal has considered the zoning interface with greater setbacks than originally provided and privacy measures with the building design. As part of the proposal 4 lots will now be consolidated to allow a 6m eastern wall side setback to No. 225 Ocean View Road that is zoned R1 General to allow sufficient deep root landscaping that would allow substantial vegetation screening that would assist with mitigating visual privacy impacts and sufficient physical separation that would reduce amenity impacts to No 245 Ocean View Road,

Section 3F-1 Visual Privacy of the ADG recommends at the boundary between a change in zone from apartment buildings to a lower density area, a building setback from the interface boundary must be increased by 3m. A 9m setback is recommended adjacent to the zone interface at the northern site boundary for those elements of a development up to a height of



12m or 4 storeys. The proposal results in the following variations as well as a comparison to the recent approval for the shop top development at 211 West Street, Umina Beach (DA/52563/2017):

Zone Interface						
ADG 3F-1 Visual Privacy	9m up to 4 storeys	227-231 OV Rd		211-213 West St		Diff
	Balcony	6m	33%	5.12m	43%	-10%
	Habitable Rooms	7m	22%	7.45m	17%	+5%
	12m – 5 storeys	11.5m	4.1%	7.2m	40%	-35.9%

Table 1. Building setbacks - 227-231 OV Rd v 211-213 West St

In this case the surrounding R1 zoned lots are limited due to their provisions of a Height and FSR of 8.5m and 0.5:1 respectively. Typically within the Peninsula only single lots within the R1 are developed for low rise villa development as is the case with the surrounding lots.

Interface elements –

5.7.3 Site Requirements

One of the concerns raised during the initial DA for the mixed use development was the lot isolation that would occur with No. 235 Ocean View Road. This would occur due to the adjoining lot to the west, known as 237-245 Ocean View Road being approved for a 52 unit mixed use development and the subject 25 unit mixed use development occurring on the B2 zoned lots to the east.



Figure 13. Aerial photograph of the site – illustrating the separation between the shop top developments.

LPI mapping Dec 2019



During the course of the assessment of the original DA various concerns were raised by assessment staff including the proposed setbacks to the east and west. Council indicated that from the pre-DA meeting that consideration to a variation to the ADG 6 metre setback requirement to habitable rooms and balconies (up to 4 storeys or 12 metres in height and 9 metres from 4 to 8 storeys). The initial application proposed significant non-compliances, with balconies as little as 1.6m off the boundary, representing a 73% variation. A meeting was held with Council staff to obtain a sense of variation that could be considered acceptable to meet the objectives of the ADG in relation to building separation for visual privacy, acoustic privacy, solar access, view corridors, outlook and appropriate / sufficient DSZ for significant landscaping to disguise bulk and scale. It was suggested that the 6m strip to the west be purchased to allow greater setbacks, in particular a greater eastern setback - to the zone interface boundary.

To ascertain the building separation that Council may consider, especially in relation to the zone interface this application points to the setbacks that were accepted for a recently approved mixed use development at 211 – 213 West Street, Umina Beach that also entailed a similar zoning interface context. The mixed use development at Umina sited upon 906.6m² includes basement parking, commercial floor space and 20 units above. The variation to the setback requirements are generally less than 211-213 West Street (refer to Table 1.) and have been pursued after the purchase of the additional lot, known as 233 Ocean View Road to cater for setbacks that were requested from the pre-DA advice which states:

“The ADG requires 6 metre setbacks to habitable rooms and balconies up to 4 storeys or 12 metres in height and 9 metres from 4 to 8 storeys. The application proposes 1.8 to 2.2 metre setbacks to balconies on the eastern and western boundaries or 70 % to 63% non-compliance up to level 4 and between 3 and 6 metres or 66% to 33% non-compliance on the 5th level.

“The ADG also recommends that at the zone boundary between apartment buildings to a lower density area, the building setback should be increased by a further 3 metres resulting in further non-compliance on the east. Non-compliance results in detrimental impacts on the private outdoor spaces on the



east and also the development potential of the site to the west. Detrimental impacts on adjoining sites resulting from noncompliance are not supported.

This problem is exacerbated by the southern half of the western boundary being occupied by a right of way and pathway that prevents the provision of any significant landscaping to provide screening and outlook. It is considered that the additional 3 metres is not viable on this site and a setback of approximately 5metres with significant deep soil zones and landscaping could provide sufficient privacy and visual separation between this and the adjoining site R1 site.

Subsequently the neighbouring lot to the west that was requested to be acquired to allow greater and acceptable building setbacks has taken some time to acquire due to the difficulty to negotiate a reasonable price from the owner who was reluctant to sell.

After some difficult negotiations the property known as 233 Ocean View Road (lot 1 DP 24978) has been purchased and will be consolidated with lots 2,3 & 4 as part of the approval. Subsequently the inclusion of the additional lot allows side setback achievement that has been recommended from the pre-DA and is consistent with the building setbacks accepted by Council with the approval of the mixed use development at 211-213 West Street, Umina Beach (DA 49986/2016) which also involved zoning interface context. As a result of the purchase of 233 Ocean View Road there remains the issue of the lot isolation of No 235 Ocean View Road, as No. 237-245 Ocean View Road has been approved for a 52 unit development to be sited on this larger lot.

The site area and width of 245 Ocean View Road would not adhere to the bonus height requirement as the lot is 973.8m² and has a street frontage 15.24metres. Subsequently the site is restricted to a height of 11.5 metres in accordance with cl. 4.3(2A) of the GLEP 2014. Subsequently the lot would only be able to be developed to 3 storeys and would more than likely remain as a low rise commercial or *shop top* development site.



With respect to the planning principles established by *Karavellas v Sutherland Shire Council* (Case No. 11658 of 2003) and *CSA Architects v Randwick City Council* [2004] NSWLEC 179 for isolated sites. The site has future potential to be suitable with respect to the built environment as the proposal would achieve a built form consistent with the desired future character of the Ettalong Beach area.

The desired character for the main street precinct as expoused by the DCP character statement is to:

“Protect and enhance existing levels of “main-street” activity with building forms that maintain the pedestrian-friendly scale of existing one and two storey shop-front developments, and also the current level of midday sunlight along all footpaths. Promote high levels of on-street activity by maximising the number of retailers or businesses and the continuity of shop-windows along all street or future laneway frontages. Avoid indoor arcades that would draw people away from the street. Incorporate awnings, colonnades or balconies in all buildings to provide sheltered pedestrian settings that encourage pavement dining. Contribute to high levels of visible activity along all streets by surrounding upper storeys with balconies that accommodate restaurant dining or residents’ outdoor recreation.”

The isolation of the lot adheres to the desired character statement as it would entail a variety of building scale when presented to the main street. This diversity of building scale maintains the pedestrian friendly scale and provides an appropriate corridor to allow solar access through to the roadway through to the lots located opposite the site – as opposed a larger massing from the built form that would dominate the street scale with due to the scale and shadowing from the built form. The 15.24m separation between the mixed use developments would allow a view and solar access corridor (during the winter months) to be enjoyed by pedestrians along the street. The physical separation would also enhance the atmosphere between residents within the apartments on each side of the lot in regards to visual privacy, solar access, ventilation, acoustic attenuation, views, passive surveillance and affords interaction with the main street as desired by the character statement and DCP.



The variation in building form along Ocean View Road has been established with the planning controls with the change from B2 Town Centre to R1 General back to B2 Town Centre (east of Memorial Avenue) and has been sought to be retained under the Draft CCLEP. The diversity in building height and bulk that is maintained with the separation between the two shop developments just east of Memorial Avenue and enhances the achievement and desire of the ADG and allows the orderly, economic and appropriate development of the subject site as well as neighbouring site to be achieved.

Visual Privacy

The proposed upper floor dwellings have been designed to incorporate balconies that obtain excellent solar access facing the east, views and cross ventilation.

The planning principle established in the case of *Meriton v Sydney City Council* [2004] sites planning instruments such as AMCORD and the Residential Flat Design Code (now superseded by the Apartment Design Guide) that provide numerical separation distances between buildings to provide visual privacy.

The planning principle established however states “*that part from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable. In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered... The last of the planning principles established above suggests that the Court should consider the impact on what is likely to be built on adjoining sites*”.

The proposed balconies include opaque balustrades that would alleviate the overlooking of the adjoining properties with views from the balconies and living areas limited over rooftops to sky and Daleys Point to the east and over the district of Ettalong and the Bristane Water to the south-west.

The ground floor and balcony setbacks would be screened at the source via obscure balustrades, highlight windows and existing and proposed landscape screening. The

proposed setbacks are compatible with setbacks of low rise multi-dwelling development that has been established in the area as well as recent multi-unit development in the Woy Woy Peninsula. Examples include;

- DA52851/2017 – 180 Bourke Road, Umina Beach
- DA54524/2018 – 24 Edward Street, Woy Woy
- DA52563/2017 – 211-213 West Street, Umina Beach
- DA50019/2016 - 16 Berith Street, Umina Beach
- DA49124/2016 – 46 Berith Street, Umina Beach
- DA50316/2016 - 5 Bogan Rd & 1 Telopea St, Booker Bay
- DA55574/2018 – 5-7 Bangalow Street, Ettalong Beach
- DA55443/2018 – 32 Warrah Street, Ettalong Beach
- DA54018/2018 – 72 & 74 Railway St, Woy Woy
- DA52934/2017 – 7 Gallipoli Avenue, Blackwall

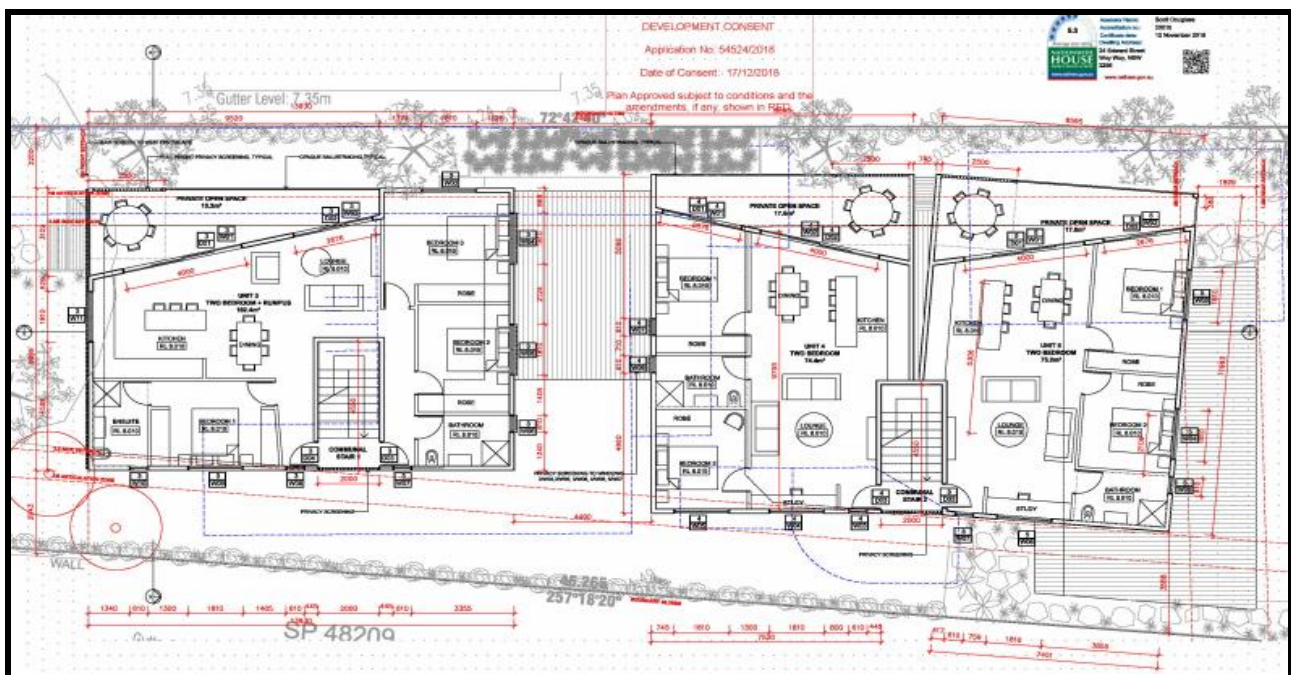


Figure 14. - DA54524/2018 – 24 Edward Street, Woy Woy – multi-dwelling development with a 2 storey setback of 2.2m. Approved 17 December 2018.

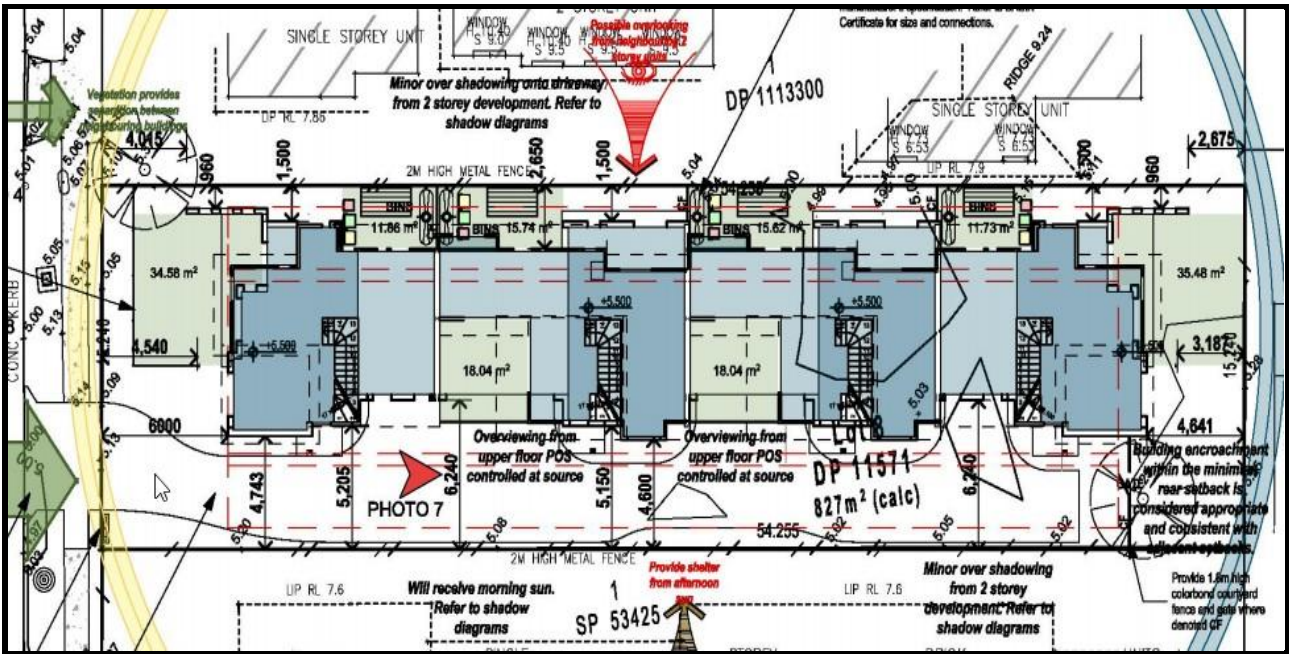


Figure 15. - DA52851/2017 – 180 Bourke Road, Umina Beach – multi-dwelling development with a 2 storey setback of 1.5m. Approved 17 December 2018.

Essentially the 6m first floor setback is much greater than compliant and established setbacks that have been accepted for 2 storey multi-unit development in the area as outlined and illustrated above and would be less than what was accepted at the zoning interface at the eastern end of the R1 strip. (refer to figure 16)



Figure 16. The zone interface at the eastern end of the R1 strip – No.211 Ocean View Rd. CDA Nov 2019



This privacy aspect has been analysed on environmental planning grounds and the privacy planning principle has been established within the LEC judgment - *Meriton v Sydney City Council* [2004] NSWLEC 313 at 45-46 which stipulates:

46 Generalised numerical guidelines such as above, need to be applied with a great deal of judgment, taking into consideration density, separation, use and design. The following principles may assist. The ease with which privacy can be protected is inversely proportional to the density of development. At low-densities there is a reasonable expectation that a dwelling and some of its private open space will remain private. At high-densities it is more difficult to protect privacy. Privacy can be achieved by separation. The required distance depends upon density and whether windows are at the same level and directly facing each other. Privacy is hardest to achieve in developments that face each other at the same level. Even in high-density development it is unacceptable to have windows at the same level close to each other. Conversely, in a low-density area, the objective should be to achieve separation between windows that exceed the numerical standards above. (Objectives are, of course, not always achievable.)

The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.

Overlooking of neighbours that arises out of poor design is not acceptable. A poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.

Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.

Apart from adequate separation, the most effective way to protect privacy is



by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable.

Landscaping should not be relied on as the sole protection against overlooking. While existing dense vegetation within a development is valuable, planting proposed in a landscaping plan should be given little weight. In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.

Comment:

Considering this judgment, the proposal adheres to the planning principle as the Level 1 elevation does not have windows that face the neighboring lots. The 6m setback for the balconies are greater than the setbacks that have been approved for 2 storey multi-dwelling developments as outlined above and therefore commensurate with the required setback for lower density development that can occur within adjoining lots to the east within the R1 zone. The development incorporates excellent privacy measures including skewed windows and obscure balustrades to alleviate overlooking into neighbouring properties. The 6 metre deep root zone provides sufficient landscaping opportunities to incorporate appropriate screen trees and vegetation to augment the existing screening from the conifers and exotic climbers – refer to photograph 17.



Figure 17. The zone interface at the eastern end of the R1 strip – No.227 Ocean View Rd. CDA Nov 2019



Figure 18. Excerpt from the landscape plan demonstrating generous transition zone with landscaping treatment

Solar Access Impacts

The shadowing from the building height standard would be acceptable when assessed against the Access to the Sunlight planning principle set out from the commissioner's judgement in *The Benevolent Society v Waverley Council (2010)*. The site is benefited from the north-south orientation and additionally is located on the northern side of the road reserve. As such the building would be commensurate with shadowing that would occur from multi-dwelling development that has been erected within the R1 medium density zone, located to the north and east of the site.

Impacts of Views

The Land and Environment Court has expressed the view that there is a four step approach to assessing the impact on views lost due to development determined in the case of *Tenacity vs Warringah Council, 2005*. In light of the principle established the proposed modification is assessed against the judgement as follows:

“The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial



views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.”

Comment:

The views affected are obscured views of Brisbane Water Foreshore from the side elevation of the approved development at Lot 1 DP 840683, 237-245 Ocean View Road, Ettalong Beach.

*“The second step is to consider from what part of the property the views are obtained. **For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.** In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”*

Comment:

As indicated in the principle **“the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries”** In this instance, it is acknowledged that all the majority of the nearby development would enjoy views to all aspects.

In comparison due to the siting of dwelling-houses adjoining the site do not have the elevation to obtain views.

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

Comment:

The views from the apartments within the mixed use development at Lot 1 DP 840683 237-245 Ocean View Road, Ettalong Beach along the eastern elevation would be impacted and as such the view impacts are assessed in light of the LEC judgement.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

The proposed height and FSR are generally compliant with the numerical measures of the relevant planning controls for the erection of a mixed use development on the site. In addition the height and scale are consistent with the height and scale of the mixed use development that have been erected in the street and surrounds. The view impacts afforded to public domain that would entail some glimpses of Blackwall Mountain are considered acceptable in light of the parameters set in the view sharing planning principle.

In light of the LEC planning principle established in *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004]* the relevant elements including bulk and scale, height, solar access, visual and acoustic privacy, character, traffic and land landscaping have been appropriately addressed within this report. Given the general compliance with the numerical measures and overarching aims and objectives of the relevant elements, the development that occurs at the zone interface is considered acceptable.



5.7.4 GLEP 2017 - Clause 5.8.2 Development within the coastal zone

The site does fall within the area specified in the Coastal zone under the SEPP Coastal Management. The objectives and provisions of this clause have been considered in light of the proposal which considered satisfactory with the implementation of appropriate waste services and nutrient control in relation to stormwater runoff.

5.7.5 GLEP 2014 - Clause 7.1 Acid sulfate soils

The site is within a medium (class 3) acid sulphate zone in accordance with Council's Acid Sulphate Soils Map. Should acid sulphate soils be encountered during construction works, Council would be notified immediately and an Acid Sulphate Soils Management Plan, written in accordance with the NSW Acid Sulphate Soil Manual 1998 would be to be submitted to Council.

5.7.6 GLEP 2014 – Clause 7.2 Flood Planning

The subject site is identified s being flood affected land on Council's mapping system (refer to Figure 21). The site is affected by Woy Woy Peninsula Flood Study which has a 1% AEP flood level of RL 1.89m AHD. Prior to the design of the mixed use development a flood compatibility certificate was obtained from Council that stipulated that the 1% AEP flood level is 4.3m AHD with the required freeboard to be 4.35 m AHD. The proposed ground floor level of the commercial premises is 4.35m in accordance with the Chapter 6.7 – Water Cycle Management of the GDCP 2013.

5.8 Gosford DCP 2013

Along with the Gosford Local Environment Plan 2014, Council's Development Control Plan 2013 outlines overarching objectives and prescriptive measures in relation to development standards and the use of land within the Gosford LGA. In this instance the proposed development is compliant with the numerical measures and objectives in regard to the relevant Chapters within Council's DCP 2013.



5.8.1 GDCP 2013 – Chapter 2 Scenic Quality & Character Statement

The subject allotment is located in the suburb of Ettalong Beach and is classified as being located within Place 9: Mainstreet Centre within the Character Statement map.

The desired character for development within this precinct is to:

“This should remain a mixed-use centre that provides a range of services and accommodation for local residents as well as visitors, where scenic potential of a prominent backdrop to Brisbane Water and the Hawkesbury is enhanced by new developments that encourage high levels of street activity and also achieve improved standards of amenity plus urban-and-civic design quality.”

Protect and enhance existing levels of “main-street” activity with building forms that maintain the pedestrian-friendly scale of existing one and two storey shop-front developments, and also the current level of midday sunlight along all footpaths. Promote high levels of on-street activity by maximising the number of retailers or businesses and the continuity of shop-windows along all street or future laneway frontages. Avoid indoor arcades that would draw people away from the street. Incorporate awnings, colonnades or balconies in all buildings to provide sheltered pedestrian settings that encourage pavement dining.

Contribute to high levels of visible activity along all streets by surrounding upper storeys with balconies that accommodate restaurant dining or residents’ outdoor recreation.

Ensure that new developments (including alterations to existing buildings) do not dominate the informal scenic qualities of foreshore settings or disrupt the main-street development pattern in this established coastal shopping village. Along all public streets, shop-front facades should have a zero setback and a maximum height of two storeys, with taller storeys set back behind terraces to maintain a pedestrian-friendly scale as well as midday sunlight along all footpaths. Vary the overall height of buildings within permissible height limit and ensure that siting and form preserve levels of privacy, sunlight and visual amenity that are enjoyed by existing dwellings and their private open spaces.



Reflect the form of development that is typical of traditional coastal centres where a wide variety of retailers are accommodated by separate buildings upon narrow-fronted allotments. Along any street or waterfront, avoid the appearance of a continuous wall of development or uniform building heights. Vary the shape and height of all visible facades. Top-most storeys should be setback behind wide roof terraces, and roofs plus parapet heights should step from one building to the next. Street corners should be emphasised by taller forms. In general, neighbouring buildings should be separated by landscaped courtyards and alleyways that provide view corridors, access to apartment lobbies, and daylight plus an outlook for above-ground dwellings. Within the foreshore precinct, future development should create separate building forms, and incorporate a pedestrian plaza from Ocean View Road to The Esplanade, generally along the alignment of Pacific Avenue, to provide additional sunlit retail frontages, access plus views. Disguise the scale and bulk of new buildings. All visible facades should employ extensive windows that are shaded by lightly-framed balconies, verandahs or exterior sunshades, plus painted finishes and some board or sheet cladding rather than expanses of plain masonry. Roofs should be gently-pitched to minimise the height of ridges, flanked by wide eaves that shade terraces and also disguise the scale of exterior walls. Side and rear facades should match the design quality of the street frontage. Conceal off-street parking behind shops or apartments, and provide unobtrusive vehicle entrances from laneways or secondary streets to minimise the disruption of shopfronts and associated pedestrian activity. Contribute to co-ordinated street improvements that include dedicated pedestrian crossings, footpath paving, landscaping and lighting to provide safe and secure settings for informal social interaction. Building colour schemes and commercial signs should be co-ordinated and limited in size and number to promote the identity of this coastal centre, rather than emphasising corporate sponsorship.

Comment:



Historically the suburb of Ettalong Beach was developed and frequented as a seaside escape for visitors to stay and enjoy the natural assets the locale including the access to the Brisbane Water. Since the 1920's the 'village' become a popular holiday retreat with several hotels and clubs being established near The Esplanade, including *Ettalong Beach Club, Mantra Resort, and Ettalong Beach Hotel*. In the 1980's Ettalong Markets located on the corner of Ocean View Road and Snapper Road opened and later on the same site Cinema Paradiso and numerous restaurants have become a popular cultural addition to the coastal suburb.

The idyllic locale has evolved to become a cosmopolitan village that now includes a range of services and places of interest. Many, shops restaurants and cafes have become established in the area creating an increasing gentrified town. The increased diversity of goods and services that has influenced the recent growth and demand for superior housing stock within close proximity of the village centre and Brisbane Water foreshore.

As outlined in the SEPP 65 Report prepared by *Ian Bassett & Partners*:

"The Ettalong Beach Town Centre is defined as a precinct undergoing transition from low scale retail and residential uses to medium to high scale mixed use buildings, including leisure, tourism and accommodation uses characterised by the recently completed nine storey Outrigger Resort, the proposed rezoning of a site for a seven storey mixed use residential building, now under construction and the recently approved four storey development on the Centrelink site.

The subject land is located in a part of an area predominantly being redeveloped with new commercial and residential buildings. The residential component adds to the diversity of use and contributes to changing context of the area.

The character of this precinct is influenced by its central location within the Ettalong Beach CBD and close proximity to key public parks and open space areas fronting extensive waterways. The built form is appropriate in



this context. It provides active retail frontages and locates service and vehicle entries to the side adjacent to DSZ plant screening. The height, articulation, stepped façade and materials contribute to the changing CBD character and transition to the adjacent residential zoning.”

The proposed mixed use development would provide commercial opportunities and residential accommodation within a building that is commensurate with the desired scale, height and site coverage of mixed use development along the along Ocean View Drive as well as the surrounding mixed use development that has been established within Ettalong Beach area (refer to figures 5-8).

As demonstrated in the architectural plans the mixed use development provides a highly articulated building when presented to the public domain, neighbouring properties and further out to Brisbane Water foreshores and waterway. The presentation of the built form incorporates a stepped and modulated presentation that has sufficient deep root landscaping areas surrounding the perimeter of the building to maintain amenity.

Aesthetics

The façade (as well as the side elevations) of the building present an open and articulated structure that allows deep shadowing that brakes the massing considerably. The street façade of the building has been meticulously crafted through the use of multiple architectural elements, modulation, materials and vertical and horizontal features.

It could only be described as having a distinctly modern and refreshing architectural feel. In turn this professes to the character statement by allowing a dynamic structure become part of the increasing diversity of the built form within the locale.

Figure 15 below shows an artist's impression of the proposed development that demonstrates that the design directly adheres to the desired character by providing and aesthetic development that creates a desirable visual appearance which will stand alone in the short term as a tall building among low rise development and in the future will sit well within a skyline of similarly scaled developments (including the recently approved mixed us development at No's 237 – 245 Ocean View Road, Ettalong Beach.



Figure 19. Three-dimensional image of the development

HLA Nov 2019



Figure 20 – Approved mixed use development at No's 237 – 245 Ocean View Road, Ettalong Beach.

The appearance of the building is dynamic and detailed when viewed from the street that includes a balance of vertical and horizontal linear elements when viewed from a distance. This is achieved by using the following techniques: the ground floor has an extensive façade articulation and treatment on all sides, glazing, timber paneling, vertical cladding and textured concrete. The building is also articulated on all sides by the inclusion of balconies,



stepped side facades and various roof forms and pitch. The upper floors have been recessed back from the front boundary to allow the terracing of the structure.

The proposed mixed use development would incorporate various cladding finishes utilising an appropriate schedule of finishes that would be compatible with the contemporary apartment buildings that have been erected in evolving urban area. The design would incorporate balconies and terraces and modulated in a manner to alleviate monotonous design incorporates pedestrian cover from the elements with a continuous awning whilst incorporating breaks in form that is encouraged by the character statement for the main street of Ettalong Beach. The increased density and commercial activity is in accordance with the desired future character of the growing area and would be commensurate with the density, height and scale of mixed use development that have been recently approved and constructed within the Ettalong Beach Town Centre, notably the Mixed Use development at No. 237 – 245 Ocean View Road (DA/49986/2016).

5.8.2 GDCP 2013 – Chapter 2.2 – Scenic Quality

The subject site is within the Peninsula Geographic Unit in the Woy Woy/Umina Landscape Unit. The Woy Woy/Umina Landscape Unit is an extensively urbanised area of essentially flatland on sand sheets and sand dunes at the southern entrance to Brisbane Water. Strict road grid pattern with many older style dwellings, beach huts, beachcomber style shacks plus extensive more recent infill redevelopment. Pleasant beach and bay side outlook from locations at the fringes with some enclosure provided from surrounding vegetated escarpment. The development objectives for the geographic unit include:

- 1. Recognise importance of Brisbane Water Escarpment with its visual integrity and naturalness being valuable assets which need to be protected from development involving rezonings which increase densities and/or increase the range of uses permissible.*
- 2. Retain and enforce existing provisions contained within instruments and policies relating to the low density nature of development in Woy Woy Bays and the parts of the Woy Woy/Umina waterfront areas which are not already zoned for medium density development.*
- 3. On a visual quality basis, higher density development can be supported in more central areas of the Woy Woy/Umina landscape unit subject to other physical constraints being adequately addressed.*



4. *Prevent extension of residential areas by way of rezoning within Woy Woy Bays landscape unit that are viewed from waterways, railway line and main roads.*
5. *Retain in Woy Woy Bays landscape unit informal street alignment and paths plus vegetated nature reserves which help to create the scenic character of the area.*
6. *Encourage new buildings in Woy Woy Bays landscape unit to blend into existing fabric and environment.*

The site is located along the Main Street of Ettalong Beach and is also prominent in relation to the main street, the site is quite discernable when viewed from the Brisbane Water foreshores and the core of the town centre

Essentially the scenic impacts are from the street scape and as discussed the building presents and visually dynamic form (with superior building quality when compared to existing commercial developments which adjoin the site) to the evolving main street whilst it does not detract from public domain views available from Brisbane water and foreshore areas of the Ettalong Village centre and Blackwall Mountain backdrop. The height, articulation, stepped façade and materials contribute to the changing CBD character whilst negating visual impacts on the natural scenic qualities that are inherent to the coastal locale. It is noted that mixed use development located along The Esplanade that have direct bearing on the visual amenity along the Brisbane Water foreshore, waterway and further across to Wagstaffe and Pretty Beach. In contrast the mixed use development is located on the northern side of Ocean View Road, behind the foreshore development and the development located on the southern side of the road reserve (refer to photos below). Compliance with the objectives of the scenic chapter can be attributed to:

- The site is not located in a visually prominent location
- Aesthetic design contributes to the upgrading of tired commercial buildings and the streetscape.
- The proposal sits comfortably with the evolving local context with existing mixed use developments that have been established in the town centre as well as recently approved mixed developments that contribute to the urban renewal of the town centre.
- The development provides sufficient building setbacks to incorporate deep root landscaping to allow the softening of the the built form when presented to the neighbouring lots and to the public domain.



Thus the development meets the development objectives for the Woy Woy Peninsula geographical area as outlined within the scenic quality chapter.



Figure 21. Aerial Photograph of the Ettalong CBD. Highlighted buildings over 3 storeys LPI Mapping December 2019

5.8.2 Gosford DCP 2013 – Chapter 4.2: Peninsula Centres

Part 4.2 sets out requirements for development in identified Peninsula Centres, including the “Ettalong Beach Village Centre”, and parts of the DCP controls have no effect due to clause 6A(2) of SEPP 65 - Design Quality of Residential Apartment Development.

Development Standard	Proposed	Compliance
<p>4.2.4 Vision</p>	<p>The mixed use development is located within the heart of the evolving Ettalong Beach Town Centre. The desire from Council as eschewed within the LEP and DCP – (Character Statement) and this section is to facilitate the increased density within high standard amenity buildings when presented to neighbouring properties and importantly the public domain.</p> <p>The proposal includes ample bicycle parking and its location within the commercial precinct will encourage walking to nearby community and retail facilities.</p>	<p>Yes</p>

	<p>The proposal provides additional commercial tenancies at street level that encourages retail patronage. The architectural design continues to allow diversity in residential accommodation and commercial opportunities along the main street that runs through the town – linking the eastern edge to the western side of town. The connection of such mixed use developments allow a continuation of legibility that allows places to become coherent and interesting.</p> <p>As discussed above the development would allow views of the Brisbane Water and the Killcare / Wagstaffe Peninsula beyond.</p>	<p>Yes</p>
<p>4.2.5.1 Street Frontage</p> <p>Objectives</p> <ul style="list-style-type: none"> • Encourage consolidation of existing properties that have narrow street frontages in order to facilitate efficient use of land. • Incorporate best-practice urban design by ensuring that street frontages are wide enough to conceal carparking and delivery areas behind street level shopfronts. • Where street frontages are 20m or more wide, Gosford LEP 2014 provides for additional building height in accordance with clause 4.3 of Gosford LEP 2014. 	<p>The proposal includes the consolidation of 4 original lots to allow sufficient width and area to facilitate orderly use and provides vehicle access via an eastern boundary driveway to car parking that is concealed behind the retail tenancies with some located in a basement area. The design has taken into consideration of services and ease of access the street level into the building.</p> <p>The street frontage is sufficient to accommodate floorplans that have a high level of amenity. The flat 1951m² site is 30.485 metres in width, 64.01 metres in length and therefore obtains the full use of the applicable LEP provisions</p>	<p>Yes</p>



<p>4.2.5.2 Building Height</p> <p>17m – HOB – LEP mapping</p> <p>8.75m (2 storey) – Street wall height</p> <p>Max height in storeys – 5</p> <p>Max wall height – 15.5m</p>	<p>The proposal has an overall height of 19.41m that does not comply with the maximum 17m height limit of clause 4.3 of GLEP 2014. The numerical variation has been justified within the clause 4.6 variation. The street wall height entails a height of 12.81m which does not comply with the 8.75m numerical measure. The proposal seeks a variation to building height (and indirectly wall heights), in accordance with the submitted clause 4.6 variation request</p> <p>The street wall height is commensurate with the mixed use wall frontages that have been established in the Town centre, including the recently approved development at No's and addressed within the SEE and ADG Report.</p>	<p>No –</p> <p>Complies with objectives as outlined within cl.4.6 variation</p>
<p>4.2.5.3 Building Setbacks and Building Envelopes</p> <p>Street Setback - 3m as per Fig 4.2.10</p>	<p>Street Setback</p> <p>The street setback is proposed to be 1.2 at boundary. This would be commensurate with the mixed use development and commercial development within the entire length of Ocean View Road. As outlined above the commercial ground floor component includes a pedestrian-friendly scale and protection from the elements whilst accessing the site for pedestrians in a safe environment. A 3m setback would not activate or integrate with the public domain in relation to site context and rather to pull the built form back from the street would create public / private void within this space.</p>	<p>No – numerical measure</p> <p>Objectives -</p> <p>Yes</p>
<p>Envelopes</p>	<p>The street façade (as well as the side elevations) of the building present an open and articulated structure that allows deep shadowing that breaks the massing</p>	<p>No – numerical measure</p>



	<p>considerably. The street façade of the building has been considered in its ability to alleviate massing through the use of multiple architectural elements, modulation, materials and vertical and horizontal features. In turn this professes to the setbacks objective by allowing a dynamic structure become part of the increasing diversity of the built form within the locale.</p> <p>These minor encroachments are not considered to detract from the two storey pedestrian scale of existing low rise buildings in Ettalong Beach and the upper floor encroachments maintain acceptable levels of bulk and scale when presented to the public domain</p>	<p>Objectives -</p> <p>Yes</p>
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<p>Rear Setback – no numerical measure</p> <p>Side Setbacks – at least 4m</p> <p>4.2.5.4 Building separation</p> <p>Objectives ·</p> <p><i>To ensure that new development is scaled to support the desired character with appropriate massing and spaces between buildings.</i></p> <p><i>To provide visual and acoustic privacy for existing and new residents.</i></p>	<p>The proposal has recognised the zoning interface with the adjoining properties to the north. As such this the bulk of the mixed use building is pushed forward providing a 7.8m rear setback to allow acceptable visual separation and solar access in accordance with the SEPP 65 ADG requirements</p> <p>Building separation has been addressed under Section 3F-1 Visual Privacy of the ADG and is and within the discussion in relation to zone interface and is considered acceptable.</p>	<p>Yes</p> <p>Yes + meets objectives</p>
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<p><i>To control overshadowing of adjacent properties and private or shared open space.</i></p> <p><i>Controls – 5 Storeys 17m and above: - 18m between habitable rooms/balconies</i></p> <p><i>- 13m between a habitable room/balcony and a non-habitable room,</i></p> <p><i>- 9m between two non-habitable rooms</i></p>		<p>refer to discussion with meeting the ADG objectives and discussion on zoning interface</p>
<p>4.2.5.5 Building Depth</p> <p>Controls: - Commercial max. depth 10 metres for single aspect windows, 20 metres for dual aspect</p> <p>- Residential depth 10m single aspect units, 18m for dual aspect units</p>	<p>Commercial tenancy 10m in depth</p> <p>relates to ventilation and solar access and addressed in the SEPP 65 Apartment Design Guide</p>	<p>Yes – against objectives</p>

<p>4.2.6.1 Building Facades</p>	<p>The proposal provides modulated and articulated facades, and in particular the presentation to Ocean View Road that includes a defined ground level shop front (the base), and above that recessed walls and openings behind balconies, with external framing (the middle), and the width of the presentation narrows for the upper levels (the top). Highly articulated and angled walls and balconies are proposed to the sides and rear as separate elements and breaks in between to minimise massing.</p>	<p>Yes</p>
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<p>4.2.6 Building Articulation</p> <p>Objectives · To ensure that buildings are of a high architectural quality that contribute to the desired character of the centre.</p> <p>To ensure that building facades are of an appropriate scale, rhythm and proportion that respond to the desired character of the centre.</p> <p>To ensure building elements are integrated into the overall building form and design.</p> <p>To employ a variety of architectural design techniques that disguise the scale and bulk of multi storey buildings.</p>	<p>The proposed development would incorporate sufficient setbacks and breaks that would negate monotonous or symmetrical appearance when viewed from the adjacent premises that will be effectively addressed, given the irregular disposition of the windows, the varying roof forms.</p> <p>The development would allow sufficient boundary setbacks to incorporate deep soil landscaping that would further enhance the transition and separation of the built form in relation to the adjoining premises and to the street.</p>	<p>Yes</p>
<p>4.2.6.2 Top Floor Designs</p> <p>Objectives · To ensure that roof design responds to the desired character and contributes to the overall design and environmental performance of buildings.</p> <p>· To ensure that the design of the top storey of buildings minimises visual bulk, provides articulation and prevents any increased overshadowing.</p>	<p>The roofing design incorporates gently pitched profile that would be compatible with light weight coastal design and flat roof designs that have been erected in Ettalong and Booker Bay.</p> <p>The gentle roof pitch of the penthouse roof is located within the center of the floor plate and would not create additional shadowing to the neighbouring properties or public domain.</p> <p>The top most storey have a narrower presentation to Ocean View Road, and appear as a reduced building element compared to the levels below. Additionally the top levels provide an increased setback to the internal southern boundaries, compared to the levels below. The proposal has a gently sloping roof, which is hidden by the lower floors when viewed from the street.</p>	<p>Yes</p>



<p>4.2.6.4 Active Street Frontage Objectives</p> <ul style="list-style-type: none"> Maintain and enhance the established "main street" retail environment, particularly by concentrating pedestrian activity along existing retail frontages. <p>Encourage a new secondary retail frontage along "active" laneways N/A</p> <ul style="list-style-type: none"> To have ground floor facades that enhance the public domain, amenity and safety. Co-ordinate the design of shopfronts, business signs and the landscaping of public areas according to "main street" principles. To have street frontages suitable for active business uses. To promote pedestrian activity in the public domain. Conceal on-site parking and services from street frontages. 	<p>As demonstrated in the elevations and 3D renders, the façade (as well as the side elevations) of the building presents an open and articulated structure that allows deep shadowing that brakes the massing considerably.</p> <p>The street façade of the building has been meticulously crafted through the use of multiple architectural elements, continuous awning, modulation, materials and vertical and horizontal features. In accordance with Figure 4.2.22 of the DCP THE sill height of windows to Ocean View Road is less than 1.2m, and car parking is provided in a basement level, with the access more than 20m from the corner with Memorial Avenue with parking indiscernable from the street. An internal pathway is provided from Ocean View Road, with after-hours access control, to provide access to the residential lobby,</p>	<p>Yes</p>
<p>4.2.6.5 Building Entries Objectives</p> <ul style="list-style-type: none"> Ensure that building entries contribute positively to the streetscape and building façade design. To create building entrances that are a clear and identifiable element of the building in the street and are accessible to all. 	<p>Commercial and residential entries from Ocean View Road are delineated and recessed within the building to allow relief to the shop front and appropriate legibility from the separate uses of the building.</p>	<p>Yes</p>
<p>4.2.6.6 Awnings</p> <ul style="list-style-type: none"> Objectives To improve pedestrian amenity by providing sun and rain protection by the provision of continuous awnings or colonnades. 	<p>A continuous awning allows pedestrian protection from the elements and legibility of the building to the public domain</p>	<p>Yes</p>



<p>Ensure that awnings are in keeping with the desired streetscape character and with the development in scale and design.</p>	<p>The awning would be consistent with the scale of the commercial component and future building identification signage may be incorporated</p>	
<p>4.2.6.7 Materials and Finishes</p> <p>Objectives ·</p> <p>Buildings that are consistent with the palette of materials and finishes within the area to achieve a coherent streetscape.</p> <p>·Use of materials and finishes that contribute to the articulation of overall façade design.</p>	<p>The proposed mixed use development would incorporate various cladding finishes utilising an appropriate schedule of finishes that would be compatible with the contemporary apartment buildings that have been erected in evolving urban area. The design would incorporate balconies and terraces and modulated in a manner to alleviate monotonous design incorporates pedestrian cover from the elements whilst incorporating breaks in form that is encouraged by the character statement for the main street of Ettalong Beach</p>	<p>Yes</p>
<p>4.2.7.1 Internal Ceiling Heights & Room Dimensions Controls</p> <p>3.3m ceiling height for ground floor retail or commercial</p> <p>2.7m for all habitable rooms</p> <p>2.4m for all non-habitable rooms.</p> <p>One and Two bedroom units shall have a minimum plan dimension of 3m (excluding wardrobe space) in all bedrooms</p> <p>Units with three or more bedrooms shall have at least two bedrooms with a minimum plan dimension of 3m (excluding wardrobe space).</p>	<p>All ceilings heights and floor area comply with the ceiling height controls within ADG</p>	
<p>4.2.7.2 Internal Common Circulation</p> <p>Objectives · Ensure that buildings are efficient and provide accessible, safe and pleasant circulation spaces for occupants and users.</p>	<p>Commercial and residential entries are delineated with separate colonnades and entry points for pedestrians and access to bathrooms and services areas as illustrated within the ground floor plan</p>	<p>Yes</p>



Common lobbies and hallways should define residential territory and be wide enough to accommodate the passage of people and furniture.	The internal circulation space will comply with The Disability (Access to Premises – Buildings) Standards 2010as per the BCA Report accompanying this application.	Yes
4.2.7 Solar Access	Addressed in the SEPP 65 Apartment Design Guide	n/a
4.2.7.4 Ventilation	Addressed in the SEPP 65 Apartment Design Guide	n/a
4.2.7.5 Visual Privacy	Addressed in the SEPP 65 Apartment Design Guide	n/a
4.2.7.6 Acoustic Privacy	Building separation controls are addressed in the SEPP 65 Apartment Design Guide	n/a
4.2.7.7 Private Open Space	Addressed in the SEPP 65 Apartment Design Guide	n/a
4.2.7.8 Common Open Space	Addressed in the SEPP 65 Apartment Design Guide	n/a
4.2.7.9 Storage	Addressed in the SEPP 65 Apartment Design Guide	n/a
4.2.7.10 External Clothes Drying	Internal clothes drying is proposed, consistent with contemporary practice for multi-storey residential developments.	variation
4.2.7.11 Safety and Security	<p>The proposal incorporate a number of positive design features including the following:</p> <ul style="list-style-type: none"> ▪ Opportunities for passive surveillance from balconies and living areas; ▪ Ground level commercial development will increase pedestrian movement within and around the site; ▪ Large windows to the street provide opportunities for passive surveillance; ▪ The commercial entrance is separate from the residential entrance; ▪ Access to the residential car park is restricted via a security gate; ▪ The separate residential and commercial entrances provide a clear distinction between public and private; ▪ The communal areas are only accessible to the residents; ▪ The communal area will be landscaped to encourage residents use again maintain passive surveillance 	Yes



<p>4.2.9 Housing Choice Mix Objectives</p>	<p>The development provides an equitable mix of unit types to cater for the local market and takes into consideration the locality to public transport and access to services.</p> <p>A apartments have been designed to be accessible / adaptable. This complies with Objectives 4Q-1, 4Q-2 and 4Q-3 of SEPP65 Apartment Design Guide.</p>	<p>Yes</p>
<p>4.2.11 Vehicle Access and Car Parking</p> <p>Controls: - Parking should be provided at the rates set out by the car parking chapter of this DCP.</p> <p>Parking areas, driveways and ramps must be designed according to the applicable Australian Standard AS 2890.1:</p>	<p>Parking is provided at the rate of 1 space for dwelling as per DCP clause 7.1.3.2 Schedule of Requirements for Shop Top Housing and for Commercial – Office Premises and Commercial- Shops. The total spaces required is 33 spaces. The total spaces provided is 37 spaces, including 2 disabled space for the commercial component</p> <p>The access, driveway widths, ramps widths and gradients, head clearances, etc. all comply with AS2890.1 as documented by SecaSolution in their Traffic and Access Strategy that forms part of the Development Application. Off street parking is concealed behind shops. The entrance is located to the eastern side of the development with gradients complying with Gosford Council access grade requirements and AS2890.1 for width and sight lines.</p>	<p>Yes</p>
<p>4.2.12.1 Energy Efficiency Objectives</p> <p>To reduce the necessity for mechanical heating and cooling.</p> <p>To minimise greenhouse gas emissions.</p> <p>To use natural climatic advantages of the coastal location such as cooling summer breezes, and exposure to unobstructed winter sun.</p>	<p>The apartment building has been designed with due consideration to the issue of energy efficiency. Many of the apartment employ passive solar techniques including shading eaves and location of living and outdoor spaces. A BASIX Report prepared by Building Sustainability Assessments accompanies the application</p>	<p>Yes</p>



<p>4.2.12.2 Flood prone Properties and Stormwater Management</p> <p>Objectives</p> <ul style="list-style-type: none"> Address the requirements of State planning instruments together with Council's controls and policies with regard to safety, conservation of natural resources plus the control and minimisation of waste. 	<p>The Water Cycle Management Plan prepared by <i>Cubo Consulting Engineers</i> demonstrates compliance with this aspect of Environmental Control</p>	<p>Yes</p>
<p>4.2.12.4 Waste and Recycling</p> <p>Objectives: · To ensure that required services do not detract from the desired streetscape character of public areas and street facades.</p> <p>To ensure efficient storage and collection of waste and quality design of waste storage facilities.</p>	<p>The residential component of the development has a bin room that collects waste via a chute system from the residential floors. Recycling is collected at a small bin room located on each floor and collected on a regular basis by a building manager to be stored in the bin room. A separate bin room is available for the waste from the commercial tenancies.</p>	<p>Yes</p>
<p>4.2.12.5 Wind Mitigation</p> <p>Objectives:</p> <p>To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.</p> <p>To ensure that moderate breezes are able to penetrate the centres streets.</p>	<p>The north-south orientation of the building allows the more adverse stronger southerly winds to traverse past the path of the building. The building separation allows for the summer sea breezes from the north-east to flow through the apartments and around the building and continues to blow around the structure and down Ocean View Road</p>	<p>Yes</p>
<p>4.2.13 Centre Improvements</p> <p>Objectives:</p> <p>Ensure that new development contributes to centre improvements that form part of Council's adopted Master Plan.</p>	<p>The proposal would be entail an upgrading of the streetscape and provide enhanced street amenity in accordance with the Master Plan</p>	<p>Yes</p>



5.9.4 GDCP 2013 – Chapter 6.7 – Water Cycle Management

The intent of Water Cycle Management is to minimize the impact of development on the natural water cycle. In this instance the development would relate this plan in relation to stormwater discharge from the development. The proposal would incorporate rainwater tanks to capture stormwater discharge from the development in accordance with the Water Cycle Chapter within Councils DCP 2013. The application is accompanied with a Water Cycle Management Plan prepared by *Cubo Consulting* which outlines the water management retention and conservation requirements in accordance with DCP Chapter 6.7. The development would not be detrimental to the functioning of the water cycle on the site and incorporate water recycling measures in accordance of the Council’s Water Cycle Management requirements.

5.9.5 GDCP 2013 – Chapter 7.1 Car Parking

The Gosford DCP Chapter 7.1 Car Parking specifies a parking rate of 1 space / dwelling for residential use for shop top housing and for shops to 1 space / 30m². In accordance with the DCP the parking available is outlined in the table below:

Element	Number / Size	DCP requirement	Parking provision
Residential	25 dwellings	25	32
Retail	90.2m ²	3	3
Accessible		2	2
Total		33	37

The development provides a total of 37 parking spaces across the ground level and basement car park including 2 accessible parking spaces. This exceeds the DCP parking requirement by 4 spaces.

Accompanying the application is a Traffic and Parking Report prepared by Secasolution who have analysed the proposal in relation to parking and access for the commercial and residential aspects of the development. Standard traffic generation rates provided by the RMS Guide to Traffic Generating Developments should be applied to the development. The following rates are considered appropriate.

- 0.53 trips per unit in the morning peak (for a high density residential flat building in a regional area)

- 0.32 trips per unit in the evening peak (for a high density residential flat building in a regional area)
- 16.3 trips per 100 m2 GFA for retail in the morning and evening peaks

Applying these rates, the traffic movements generated by the proposed development would be:

Element	Number	AM peak	PM peak
Residential	26 dwellings	14	8
Retail	90.2m ²	15	15
Total		29	23

Further:

“The above rates are considered to be a worst-case scenario as it is very likely that the customers to the retail component of the development will either be residents of the development or people who are visiting the town centre for other purposes. In addition, the existing retail stores on the site are estimated to generate around 10-12 trips per hour. Consequently, it is reasonable to expect that the additional peak hour trip generation for this site will be less than that calculated above, possibly in the range of 15 to 20 trips per hour.

The development will have a minimal impact on road safety. The site access is located on a reasonably straight section of road allowing for good visibility for drivers entering/exiting the site. There are no safety concerns relating to visibility with reduced vehicle speeds through the roundabout approaching the site.

The access also allows for drivers on Ocean View Road to observe the traffic movements in and out of the site and adjust their speed accordingly.

Overall it is considered that the development will have an acceptable impact upon road safety in the locality.”

All relevant aspects of the mixed use development have been assessed within the report and on that basis the proposal is supported.

5.9.6 GDCP 2013 – Chapter 7.2 – Waste Management

The proposed future dwellings will have access to an internal waste collection system. The proposal would be consistent with the provisions of the waste management collection in the area with waste collection bins to be collected from the site, allowing general waste to be transported to appropriate waste disposal deposits. Commercial waste will also be separated



into general waste and recyclable bins and stored within a dedicated storage room on the Ground floor. Waste bins would be located within a screened location to minimise visual impacts to the streetscape and the private opens spaces within the site. Residential waste is anticipated to be collected by contractors 3 times per week, and commercial waste will be collected by a private contractor once a week. Further details on operational waste management are provided in the Waste Management Plan prepared by *HLA Consulting*.

6.0 Section 4.15 Considerations

The following assessment addresses the matters required to be considered under Section 4.15 of the Environmental Planning & Assessment Act 1979. Guidelines (in italics) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

6.1 The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations

The proposal is permissible pursuant to the Gosford Local Environmental Plan 2014 and is generally in conformity with the envisaged scale of development provided under the LEP. The proposal is also generally compliant with the development controls contained within the Gosford Development Control Plan 2013.

6.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and Setting

What is the relationship to the region and local context in terms of:

the scenic qualities and features of the landscape?

the character and amenity of the locality and streetscape?

the scale, bulk, height, mass, form, character, density and design of development in the locality?

the previous and existing land uses and activities in the locality?

Comment:

The proposal will improve the visual quality of the site and provide an improved contribution to the streetscape. The massing of the development is of an appropriate scale which is sympathetic to the emerging character of the locality. The proposed development will not result in any significant impacts on the amenity of the adjoining properties.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed development incorporates appropriate design elements to ameliorate potential amenity impacts to adjoining properties. These issues have been discussed in detail in the body of this report.

Access, transport and traffic

- Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on: travel demand?
- dependency on motor vehicles?
- traffic generation and the capacity of the local and arterial road network?
- public transport availability and use (including freight rail where relevant)?
- conflicts within and between transport modes?
- traffic management schemes?
- vehicular parking spaces?

The proposed development provides appropriately for car parking and will not result in any adverse impact on the capacity of the local road network.

Public domain

The property's presentation in a streetscape context will be significantly enhanced as a consequence of a proposed development. The proposed development responds to the built form characteristics of development within the site's visual catchment.

Safer by Design Principles

The proposed mixed use development has been design with consideration to 'safer by design' principles, and in particular:

- The proposal allows natural surveillance to the streets and internally, with active commercial uses at the ground level, including a shop front presentation to Ocean View Road and the entry access, and with balconies at the upper levels providing passive surveillance to front, rear and side boundaries.
- There is a delineation between private and public areas, and the entry to the basement and residential lobby will have electronic access control for residents only, and electronic access control will also be provided for the entry pathway to the shops and residential lobby after hours. The proposed landscape area on Level 1 will be located 3.7m above the ground level, which will limit unauthorised access, and there will be no access to the area internally other than through secure access for maintenance purposes;
- Lighting will be provided in the entry footpath area and entrance to the residential lobby, and will be maintained at all times;
- The management regime should ensure that lighting is repaired as soon as possible after any lighting failure or damage;
- The site, and in particular the entry footpath will be well-maintained at all times, and any graffiti will be removed within 24 hours of its appearance;
- The management regime shall ensure that the site is kept clean and tidy at all times;
- Clear all building perimeters including fences of rubbish and potential climbing aids and;
- Maintain well-built and adequately secured boundary gates and fences.

Utilities

Existing utility services will adequately service the development with any necessary upgrades.



Aboriginal Heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) database shows that there are no aboriginal sites recorded in or within 50m the subject land, and no aboriginal places have been declared in or near the subject land. A copy of the search results is included as Attachment A.

Flora and fauna

The site is not located within a bushfire prone area and is not constrained by threatened species.

Waste collection

Normal domestic waste collection arrangements will apply to this development. The development includes the provision of a dedicated loading dock to facilitate on site waste collection.

Natural hazards

The site is not affected by any known hazards.

Economic impact in the locality

The proposed development will provide temporary employment through the construction of the development and an increased residential population which will contribute to the economic success of surrounding retail and business activities.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including: size, shape and design of allotments?

- the proportion of site covered by buildings?
- the position of buildings? the size (bulk, height, mass), form, appearance and design of buildings?
- the amount, location, design, use and management of private and communal open space? landscaping?

The impact of the proposal with respect to design and site planning is positive. The scale of the development is appropriate given the proposal complies with the floor space ratio and generally with the height controls and the objectives of the relevant planning provisions. The size, form and appearance of the development is based on a sound design philosophy which references the site's context and seeks to minimise potential impacts on the amenity of the adjoining properties whilst providing a high level of internal amenity for residents.

- How would the development affect the health and safety of the occupants in terms of: lighting, ventilation and insulation?
- building fire risk – prevention and suppression/ building materials and finishes? a common wall structure and design?
- access and facilities for the disabled?
- likely compliance with the Building Code of Australia?

The development is capable of accommodating a proposed development capable of complying with the provisions of the Building Code of Australia.

Construction

What would be the impacts of construction activities in terms of: the environmental planning issues listed above?

The future development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

6.3 The suitability of the site for the development

Does the proposal fit in the locality?

- are the constraints posed by adjacent developments prohibitive?
- would development lead to unmanageable transport demands and are there adequate transport facilities in the area?
- are utilities and services available to the site adequate for the development?

The adjacent development does not impose any insurmountable development constraints. There will be no excessive levels of transport demand created.

- Are the site attributes conducive to development?

The site does not have any physical or engineering constraints which would prevent the proposed development from occurring.

6.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that any submissions made in relation to the proposed development will be appropriately assessed by Council.

6.5 The Public Interest

The proposed development will provide a positive contribution to the streetscape of Ocean View Road. In addition, the proposal seeks to provide. The development has been carefully designed to be compatible with the emerging pattern and character of development in the area. The development maximises internal amenity for future occupants and is also consistent with the objectives of the relevant planning provisions. Finally, the proposed building envelope will achieve a positive built form. For these reasons the approval of the development is considered to be in the public interest

7.0 Conclusion

The proposed mixed use development at 227 – 233 Ocean View Road, Ettalong Beach will provide a positive contribution to the streetscape of and the town centre that is currently in a stagnant stage of growth. The proposal would provide additional housing that is consistent with the objectives of the zone and would have appropriate access to public transport and services that are required for the demographic shift towards smaller dwellings with the appropriate access and range of services desired by such urban populations.

The proposal is permissible under the Gosford LEP and is generally compliant with the numerical measures with a supporting variation to the minor departure with the height of building. The development has been carefully designed to be compatible with the B2 zone objectives and the desired and emerging pattern and character of development in the area. This report has assessed the mixed use development proposal in relation to the relevant heads of consideration pursuant to *s.4.15 of the Environmental Planning & Assessment Act 1979* and supports the proposal.

Attachment A – AHIMS Search



**AHIMS Web Services (AWS)
Search Result**

Purchase Order/Reference : 227 Ocean View Rd
Client Service ID : 472226

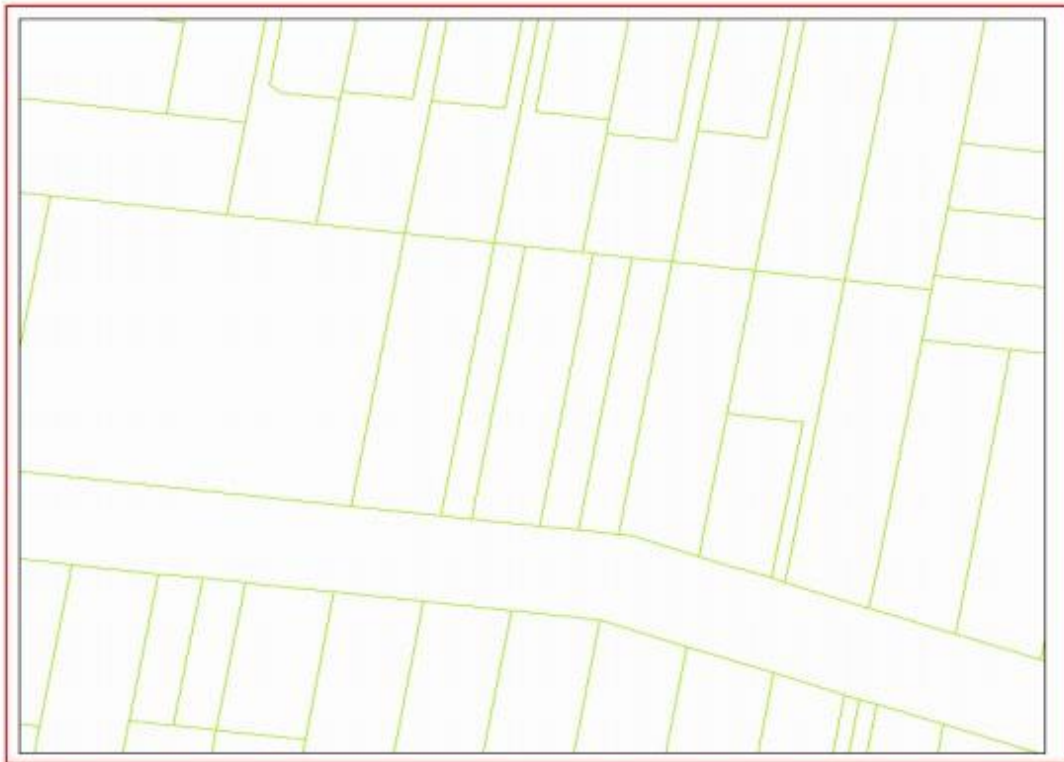
Ravi Sharma
1 Oscar Streer
Umina Beach New South Wales 2257
Attention: Ravi Sharma
Email: ravi@cdasurveys.com.au

Date: 12 December 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 2, DP:DP24978 with a Buffer of 50 meters, conducted by Ravi Sharma on 12 December 2019.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

