

**Proposed Residential Dwelling
Lot 4 in DP10108
#2 Ferry Road at Ettalong Beach**

**Development Report and Statement of Environmental
Effects in accordance with the
Gosford Local Environmental Plan 2014**

Enrico Polselli

December 2021

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LIST OF ABBREVIATIONS AND GLOSSARY	
Abbreviation	Meaning
ADG	Apartment Design Guide
AS	Australian Standard
GLEP	Gosford Local Environmental Plan 2014
CC	Construction Certificate
CCC	Central Coast Council
CCDCP	Draft Central Coast Development Control Plan
CCTV	Closed Circuit Television
CPTED	Crime Prevention Through Environmental Design
Council	Central Coast Council
cumecs	Cubic metres per second
dB	Decibel, which is 10 times the logarithm (base 10) of the ratio of a given sound pressure to a reference pressure; used as a unit of sound
dB(A)	Frequency weighting filter used to measure 'A-weighted' sound pressure levels, which conforms approximately to the human ear response, as our hearing is less sensitive at very low and very high frequencies
DCP	Development Control Plan
DECCW	Department of Environment, Climate Change and Water NSW
DPIE	Department of Planning Infrastructure and Environment
EPBC	Environment Protection and Biodiversity Conservation Act 1999
EP&A Act	Environmental Planning & Assessment Act
ESD	Ecologically Sustainable Development
Emission	The release of material into the surroundings (ie: gas, noise and water)
EP&A Act	Environmental Planning and Assessment Act 1979
GFA	Gross Floor Area
GPT	Gross Pollutant Trap
INP	Industrial Noise Policy
LEP	Local Environmental Plan
m ²	Square metre
m ³	Cubic metre
PMF	Probable Maximum Flood
PP	Planning Proposal
PSI	Preliminary Site Investigation
REF	Review of Environmental Factors
ROW	Right-of-way
RMS	Roads and Maritime Service (now TfNSW)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	State Regional Environmental Policy
TfNSW	Transport for NSW (previously RMS)
WMP	Waste Management Plan
WA	Wales & Associates Pty Limited

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DEVELOPMENT REPORT AND STATEMENT OF ENVIRONMENTAL EFFECTS

in accordance with

GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

Date of Report: 1st December 2021

Applicant: Enrico Polselli
C/- Wales & Associates Urban Design Partners
P.O. Box 150
Ettalong Beach 2257

Client: Enrico Polselli
C/- Wales & Associates Urban Design Partners
P.O. Box 150
Ettalong Beach 2257

Location: Lot 4 in DP10108
#2 Ferry Road
Ettalong Beach

Site Area: 486.9m² (Deed)
493.2m² (Calc.)

Subject of Report: **Demolition of Existing Residential Building and Construction of the Proposed Residential Dwelling and Rear Garage**

Current Zoning: Zone R1 – *General Residential* under the Gosford Local Environmental Plan 2014 (see **Figure 1**)

Relevant Planning Controls:

- (i) Environmental Planning & Assessment Act 1979 (as amended);
- (ii) Gosford Local Environmental Plan 2014;
- (iii) Draft Central Coast Local Environmental Plan 2021;
- (iv) Gosford Development Control Plan 2013;
- (v) State Environmental Planning (Coastal Management) 2018;
- (vi) State Environmental Planning Policy (BASIX); and
- (vii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared by Wales & Associates Urban Design Partners (WA) on behalf of Enrico Polselli in relation to the demolition of the existing residential dwelling and construction of the proposed two (2) storey residential dwelling as shown on the attached **Architectural Plans** prepared by ***Osmond McLeod Architects***.

It describes the site, its environs, the development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 – *Evaluation* of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). It should be read in conjunction with the supporting information appended to this application including:-

- (i) Architectural Plans prepared by *Osmond McLeod Architects*;
- (ii) Site Survey Plan prepared by *Clarke Dowdle & Associates*;
- (iii) Landscape Plan prepared by *Osmond McLeod Architects*;
- (iv) Stormwater Concept Plans prepared by *Osmond McLeod Architects*;
- (v) BASIX Certificate prepared by *Osmond McLeod Architects*;
- (vi) Site Waste Management Plan prepared by *Osmond McLeod Architects*;
- (vii) Erosion & Sedimentation Control Plan prepared by *Osmond McLeod Architects*;

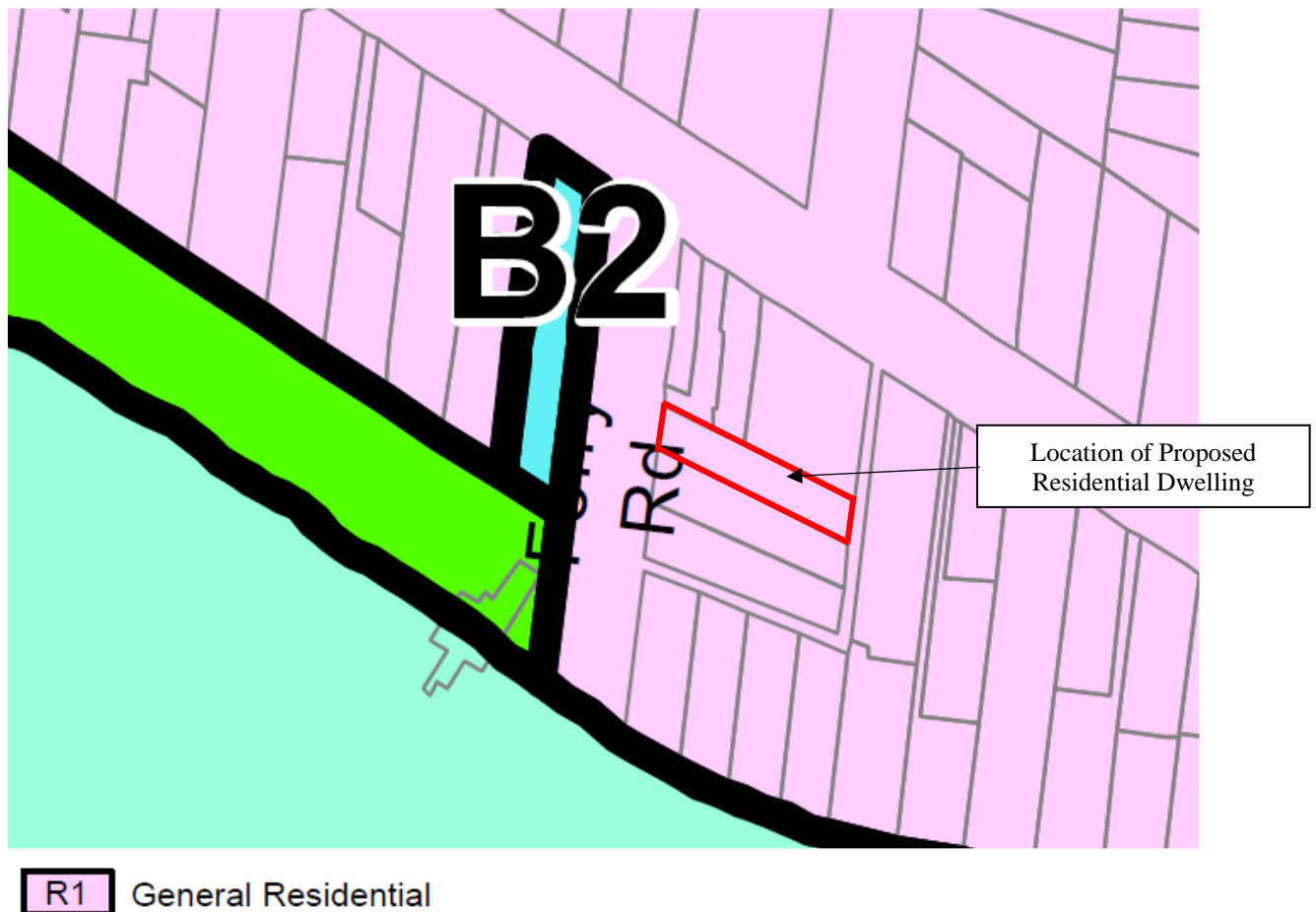


Figure 1
Extract from the Gosford Local Environmental Plan 2014 Zone Map LZN_016C
(image courtesy of the Central Coast Council through the NSW Legislation Portal)

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

2 Permitted without consent

Home occupations; Recreation areas

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home-based child care; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

1.0 THE PROPOSAL

1.1 General

The following report is for the following:-

- (i) demolition of the existing single storey clad residential dwelling and ancillary buildings;
- (ii) construction of the proposed two (2) storey residential dwelling comprising:
 - four (4) bedrooms (3 x ground level, 1 x first floor – master bedroom)
 - ground level living area;
 - first floor living area and kitchen;
 - lift;
 - front and rear decks;
 - inground pool;
 - two car garage off rear laneway; and
 - at grade car parking space off Ferry Road

The site is occupied by a single storey clad residential dwelling and ancillary buildings fronting Ferry Road (see **Figure 2**). The existing structures have reached the end of their economic life. The site has a land area of 493.2m² by calculation as shown on the attached **Site Survey Plan** prepared by *Clarke Dowdle Surveyors*.



Figure 2
Aerial Map
(courtesy of Central Coast Council GIS Mapping System)

1.2 Staging

The development will be undertaken in one (1) single stage.

2.0 COMPLIANCE WITH PLANNING CONTROLS

2.1 Gosford Local Environmental Plan 2014

The proposed development is governed by the Gosford Local Environmental Plan 2014. “dwelling houses” are permitted in the R1 – *General Residential* zone.

Commercial premises, Shop Top Housing and Serviced Apartments are permitted in the B2 – *Local Centre* zone.

“*dwelling houses*” means a building containing only one dwelling.

Note—

Dwelling houses are a type of *residential accommodation*

The [Gosford Local Environmental Plan \(LEP\) 2014](#) came into effect on the 11th February 2014. The site is currently zoned Zone R1 – *General Residential* under the Gosford Local Environmental Plan 2014.

The **objectives** of the zone are:-

- (i) to provide for the housing needs of the community;
- (ii) to provide for a variety of housing types and densities;
- (iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- (iv) to ensure that development is compatible with the desired future character of the zone;
- (v) to promote best practice in the design of multi dwelling housing and other similar types of development; and
- (vi) to ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

The proposed development **meets the objectives** of the zone in that:-

- (i) the proposal provides for the housing needs of the community by providing high quality residential floor space;
- (ii) the proposal provides for a variety of housing types and densities;
- (iii) the development has been designed to ensure that the proposal is compatible with the desired future character of the zone; and
- (iv) the development promotes best practice in the design for residential housing

Each of the relevant development standards contained within the Gosford Local Environmental Plan 2014 is dealt with, where appropriate, within the body of this report.

2.1.1 Floor Space Ratio

Clause 4.4 – Floor Space Ratio of the Gosford Local Environmental Plan applies to the site. The subject lands are designated H = 0.7:1 under the Gosford Local Environmental Plan 2014 as shown in **Figure 4**. For the purposes of determining compliance with the maximum floor space ratio, the floor area and resulting FSR over the site is detailed in **Table 1**.

The proposal is also subject to Clause 4.4 sub-clause (2B) which says that despite subclause (2), the maximum floor space ratio for a building is as follows:-

(a) if the building is used for the purpose of a dwelling house—0.5:1, or

Table 1
Floor Space Ratio Calculations

Component	GFA	COMPLIANCE
Ground Level	133m ²	
Level 1	133m ²	
Total GFA	266m ²	
Site Area	493.2m ²	
Maximum Permissible FSR	0.5 to 1 or 246m ²	
Proposed FSR	0.53 to 1	NO (8.1% variation)

Therefore, a variation is sought to the maximum floor space ratio of 0.5:1 (variation 8.1%) based on the design merit and key location of the proposed development and the imperative to lift the design standard at the sea based entry to the Ettalong Beach village centre. The following Clause 4.6 variation is provided in support of the variation.

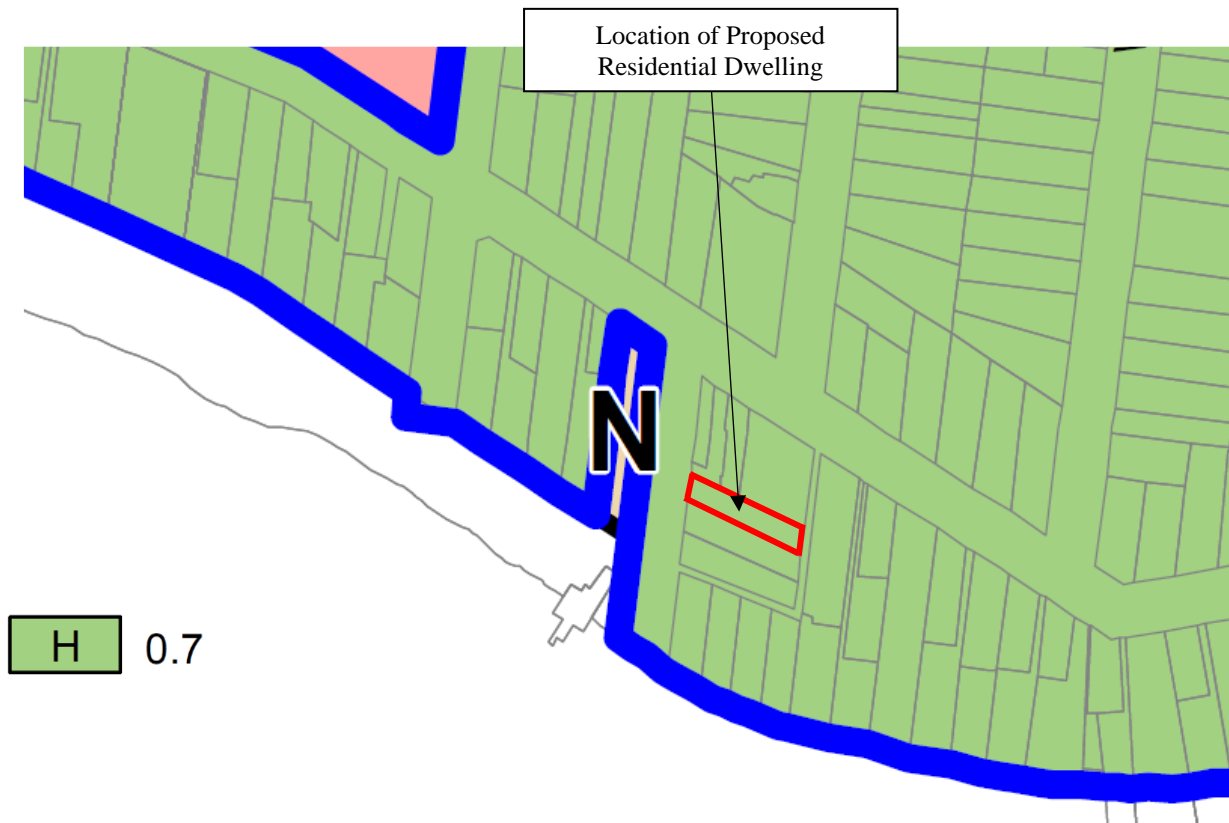


Figure 4
Extract from the Gosford Local Environmental Plan 2014 FSR_016C
(image courtesy of the Central Coast Council through the NSW Legislation Portal)

Introduction

As the proposed building exceeds the maximum floor space ratio, a variation request under Clause 4.6 – Exemption to Development Standard under the Gosford Local Environmental Plan 2014 in relation to the 0.5:1 floor space ratio standard and the departure from this standard where a floor space ratio of 0.53:1 is proposed. As required by this clause, a written request for an exception to the required maximum floor space ratio 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

Clause 4.6 – Exceptions to development standards under the Gosford Local Environmental Plan 2014 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.*

Development Standard to be Varied

It is proposed to vary the standard set out under Clause 4.4 – Floor Space Ratio of the Gosford Local Environmental Plan 2014 which deals with those issues relating to the maximum permissible floor space ratio for buildings. Clause 4.4 states:-

4.4 Floor space ratio

- (1) *The objectives of this clause are as follows:*
 - (i) *to establish standards for the maximum development density and intensity of land use;*
 - (ii) *to control building density and bulk in relation to site area in order to achieve the desired future character for different locations;*
 - (iii) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;*
 - (iv) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation;*

- (v) *to provide an appropriate correlation between the size of a site and the extent of any development on that site;*
- (vi) *to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design;*
- (vii) *to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope;*
- (viii) *to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).*

Extent of the Variation to the Development Standard

The proposal seeks a floor space ratio of 0.54:1 which is higher than the maximum permissible floor space ratio under Clause 4.4 of the Gosford Local Environmental Plan 2014. The extent of the variation to the floor space ratio controls is shown on the attached architectural plans and is justified due to the environmental constraints, the design merit of the building, its relationship to the future streetscape and the overall bulk and scale of the building.

Objectives of the Standard

The **objectives** of Clause 4.4 of the Gosford Local Environmental Plan 2014 are as follows:-

- (i) to establish standards for the maximum development density and intensity of land use;
- (ii) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations;
- (iii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;
- (iv) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation;
- (v) to provide an appropriate correlation between the size of a site and the extent of any development on that site;
- (vi) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design;
- (vii) to ensure that the floor space ratio of buildings on land in Zone R1 – *General Residential* reflects Council's desired building envelope; and
- (viii) to encourage lot amalgamation and new development forms in Zone R1 – *General Residential* with car parking below ground level

The **objectives** of Zone R1 – *General Residential* under the Gosford Local Environmental Plan 2014 are:-

- (i) to provide for the housing needs of the community;
- (ii) to provide for a variety of housing types and densities;
- (iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;

- (iv) to ensure that development is compatible with the desired future character of the zone;
- (v) to promote best practice in the design of multi dwelling housing and other similar types of development; and
- (vi) to ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

Assessment

Under the Gosford Local Environmental Plan 2014, the the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

The building designer for the project, **Osmond McLeod Architects**, has designed the proposed residential development in such a manner as to:-

- (i) produce a high quality residential development that provides a high level of articulation and effective and efficient floor space;
- (ii) optimize the development outcomes for the site whilst being mindful of bulk and scale;
- (iii) establish a high-quality streetscape that recognises the future expectations for the Ettalong Beach village centre;
- (iv) lift the architectural standard of the eastern end of the Ettalong Beach village centre entry and offset the poor built quality of the existing building (see **Figure 5**) and those to the east (on the opposite corner of Ocean View Road and Ferry Road – see **Figure 6**); and
- (v) improve yields and development viability in line with both Council's and the public expectations for the precinct

Consequently, a variation is sought to the Floor Space Ratio development standard under the provisions set out in Clause 4.6 – Exceptions to development standards of the Gosford Local Environmental Plan 2014. The **objectives** of this clause are as follows:-

- (i) to provide an appropriate degree of flexibility in applying certain development standards to particular development; and
- (ii) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

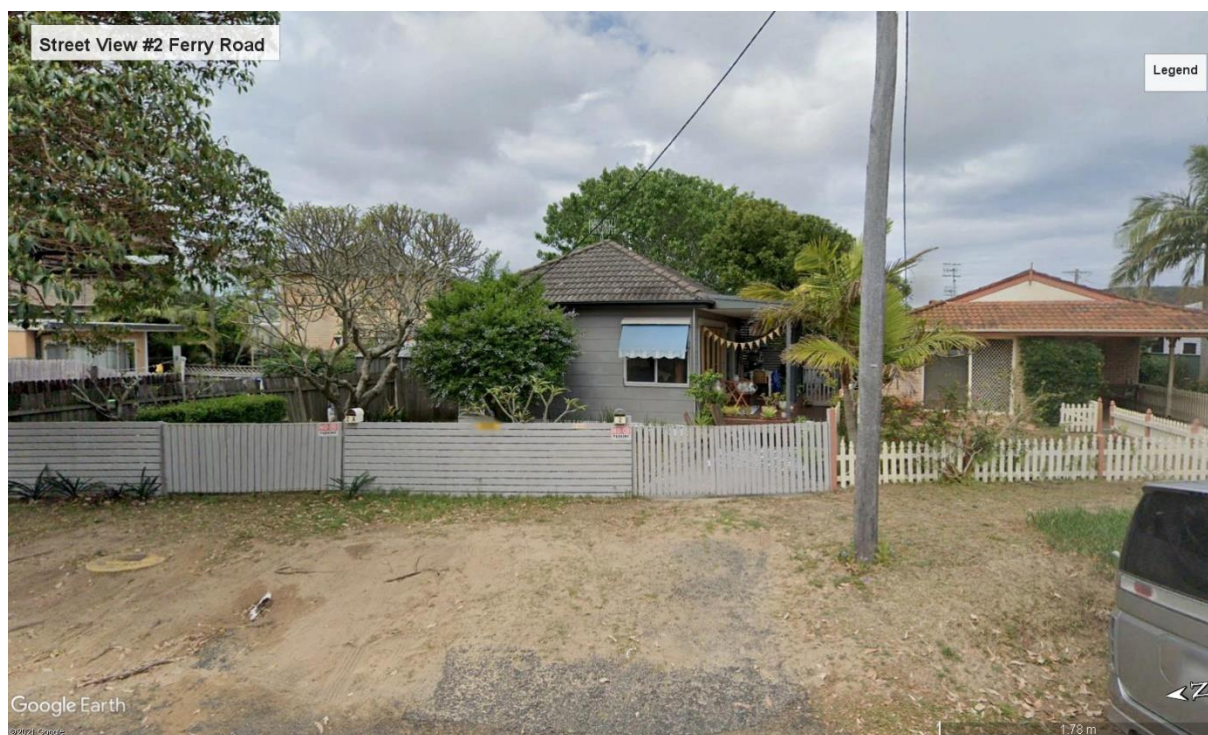


Figure 5
Photograph showing existing residential building
(image courtesy of Google Earth Pro)



Figure 6
Photograph showing existing commercial buildings on the eastern side of Ferry Road
(image courtesy of Google Earth Pro)

The floor space ratio variation is reasonable when considered within the context of the overall streetscape with its primary frontage to Ferry Road and the intent of both the Gosford Local Environmental Plan 2014 and the Gosford Development Control Plan 2013. The building is two (2) storeys with rear garage parking and integrates satisfactorily within the future Ocean View Road/Ferry Road context (see **Figure 7** and **Figure 8**).



Figure 7
Streetscape Analysis from Ferry Road
(image courtesy of Osmond McLeod Architects)



Figure 8
Streetscape Analysis from rear laneway (proposed garages)
(image courtesy of Osmond McLeod Architects)

In relation to the *Underlying Objectives of the Standard of Clause 4.4 – Floor Space Ratio*, the proposed development and the variation to the Floor Space Ratio standard meets the underlying objectives by:-

- (i) recognising the standards for the maximum development density and intensity of land use in the precinct but anticipating the future needs of the Ettalong Beach village centre through high quality building design that offsets and improves on the current built form;
- (ii) recognising the need to control building density and bulk in relation to site area to achieve the desired future character for different locations. The proposed building design maintains a similar building envelope to that which would be achieved by meeting the current standard whilst seeking to lift the design standards of the main street and setting new standards for future buildings;
- (iii) minimising any adverse environmental effects on the use or enjoyment of adjoining properties and the public domain through good building design that meets the requirements of the Gosford DCP 2013;
- (iv) providing an appropriate correlation between the size of a site and the extent of any development on that site through good urban design and building articulation; and
- (v) facilitating design excellence by ensuring the extent of the proposed floor space in the building envelope leaves generous space for the articulation and modulation of design

In relation to Section 5(a)(i)(ii) – *Objects* of the Environmental Planning & Assessment Act, the variation to the development standard will not hinder the obtainment of the objectives.

Under Section 5(a)(i)(ii), the objects of this 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*

The variation to the Floor Space Ratio requirement will not hinder the proper management and development of the Ettalong Beach 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 livability and amenity of the locality by activating the Ferry Road frontage and the provision of good quality accommodation space that encourages people to live close to 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. The minor variation to the Floor Space Ratio requirement will not hinder the promotion and co-ordination of the orderly and economic use and the development of the land.

In fact, the proposal ensures the highest and best use of the subject site by formalizing the trend to high quality accommodation utilising the natural features of the land and activating the primary street frontage (ie: Ferry Road) together with the secondary frontage (ie: rear laneway).

(i) Clause 4.6(3)(a) – *Unreasonable and Unnecessary*

In relation to the question as to whether compliance with the development standard unreasonable or unnecessary in the circumstances (Clause 4.6 Sub-clause (3)(a)), it is the applicants view that strict compliance with the Floor Space Ratio development standard is unreasonable in this particular case as the proposed variation simply seeks to:-

- (i) offset the existing poor built form through higher design standards and architectural design;
- (ii) maximise the site outcomes and liveability of the site; and
- (iii) improve the residential standard of the precinct without any significant impact on the adjoining properties or the streetscape

It also proposes a high quality residential interface with the Ferry Road frontage in line with the Gosford Development Control Plan 2013. It will ensure a more viable development and higher standard of residential yield compared to that which would otherwise be provided should strict adherence to the LEP standard be applied.

The proposal is an efficient use of the land which delivers social, economic and environmental benefits to the local community. The variation will not adversely affect the amenity of the immediate locality or compromise the objectives of Clause 4.4 of the Gosford Local Environmental Plan 2014 (GLEP 2014) or Section 5(a)(i)(ii) of the EP&A Act.

In relation to this clause, it is considered that the objection to the Floor Space Ratio standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application. Therefore, Council's favourable consideration of the application under the provisions of Clause 4.6(3)(a) is sought.

(ii) Clause 4.6(3)(b) – *Environmental Planning Grounds*

With regards to the question as to whether there are sufficient environmental planning grounds to justify contravening the development standard, it should be noted that the subject site has circumstances in relation to its prominent location and surrounding design standards which has triggered the specific design response and variation to the maximum FSR.

The site is located near the prominent entry corner of Ocean View Road and Ferry Road which is the eastern gateway to the Ettalong Beach village centre (see **Figure 9**). The entry is currently dominated by an eclectic mix of older style single story commercial buildings on the southern side of Ocean View Road and one and two storey residential dwellings and residential flat buildings.



Figure 9
Looking north along Ferry Road from the public wharf
(image courtesy of Google Earth Pro)

Further to the west is the Ettalong Beach Market Complex and “Galleria” which is effectively a three (3) storey building. It includes retail shops, market stalls, restaurants, cafes, bars and a cinema complex (Cinema Paradiso) as shown in *Figure 10*.



Figure 10
Ettalong Beach Market Complex on the corner of Ocean View Road and Schnapper Road
(image courtesy of Google Earth Pro)

The existing surrounding built form represents a mix of architectural styles and form ranging from early 1900's corner shop type development, mid-century residential bungalows, more recent residential flat buildings and more recent mixed use/commercial buildings.

The proposed residential dwelling has been designed with two (2) storeys with articulated facades to reduce the apparent bulk and scale. The building design provides a high level of street activation along Ferry Road through substantial articulation and generous balcony areas (see **Figure 11** and **Figure 12**).

The design response to the existing streetscape conditions and viability of the high-quality design has necessitated the minor increase in FSR beyond the current maximum of 0.5:1 (ie: 0.53:1 or 8.1% variation).

By allowing the variation to the floor space ratio results in a more efficient and orderly use of the land and will produce a better outcome than would otherwise be the case if strict adherence to the standard were observed. In relation to this clause, it is considered that the objection to the Floor Space Ratio standard is well founded.



Figure 11
Elevated Streetscape Analysis from Ferry Road
(image courtesy of Osmond McLeod Architects)



Figure 12
Streetscape Analysis from Ferry Road
(image courtesy of Osmond McLeod Architects)

(iii) Clause 4.6(4)(a)(ii) – *Public Interest*

In relation to the question as to whether the proposed residential development would be in the public interest, it is considered that the proposal is consistent with both the objectives of the standard and for development within the zone.

In relation to Clause 4.4 – *Floor Space Ratio* of the Gosford Local Environmental Plan 2014, this standard deals with those issues relating to the maximum permissible floor space ratio.

In relation to the *Underlying Objectives of the Standard of Clause 4.4 – Floor Space Ratio*, the proposed development and the variation to the Floor Space Ratio standard meets the underlying objectives by:-

- (i) recognising the standards for the maximum development density and intensity of land use in the precinct but anticipating the future needs of the Ettalong Beach village centre through high quality residential building design that offsets and improves on the current built form;
- (ii) recognising the need to control building density and bulk in relation to site area to achieve the desired future character for different locations. The proposed building design maintains a similar building envelope to that which would be achieved by meeting the current standard whilst seeking to lift the design standards of the main street and setting new standards for future buildings;
- (iii) minimising any adverse environmental effects on the use or enjoyment of adjoining properties and the public domain through good building design that meets the requirements the Gosford DCP 2013;
- (iv) providing an appropriate correlation between the size of a site and the extent of any development on that site through good urban design and building articulation; and

- (v) facilitating design excellence by ensuring the extent of the proposed floor space in the building envelope leaves generous space for the articulation and modulation of design

Therefore, it is considered that the proposal satisfies the public interest test as it is general consistent with both the objectives of the standard and for development within the zone. In relation to this clause, it is considered that the objection to the Floor Space Ratio standard is well founded.

Conclusion

Based on the above assessment, the attached architectural plans and supporting documents, it is considered that the proposed residential development will deliver a better planning outcome than one that strictly complies with the current 0.5:1 floor space ratio for the following reasons:-

- (i) strict compliance would not be responsive to the intent of the Gosford Local Environmental Plan 2014 objectives;
- (ii) strict compliance would not be responsive to the intent of the urban design controls contained within the Gosford Development Control Plan 2013 for the Ettalong Beach village precinct;
- (iii) strict compliance would not facilitate a satisfactory urban design outcome in response to the existing poor quality urban form on the eastern side of Ferry Road;
- (iv) strict compliance would restrict floor space outcomes to the extent that the alternative would be an underutilisation of the site in an area within the Ettalong Beach village precinct that seeks higher height and density outcomes; and
- (v) strict compliance would not meet the desired future character of the precinct

It is considered that the objection to the Floor Space Ratio standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application. Therefore, Council's favourable consideration of the application under the provisions of Clause 4.6 is sought.

2.1.2 *Maximum Height*

The subject land is designated N = 8.5 metres under the Gosford Local Environmental Plan 2014 as shown in **Figure 13**.

The proposed development **COMPLIES** with the I = 8.5 metres as shown in **Figure 14** and **Figure 15**.

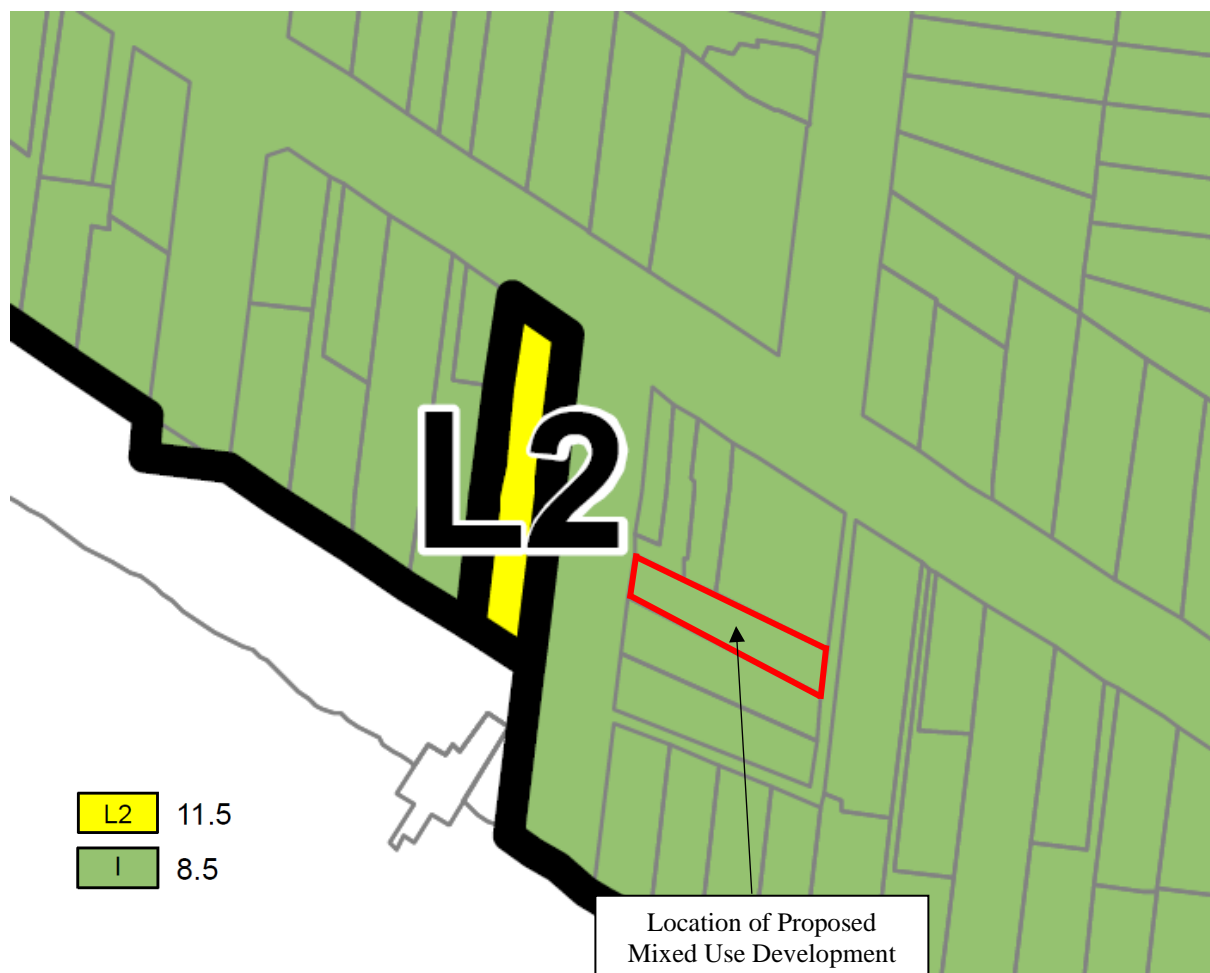


Figure 13
Extract from the Gosford Local Environmental Plan 2014 HOB_016C
(image courtesy of the Central Coast Council through the NSW Legislation Portal)

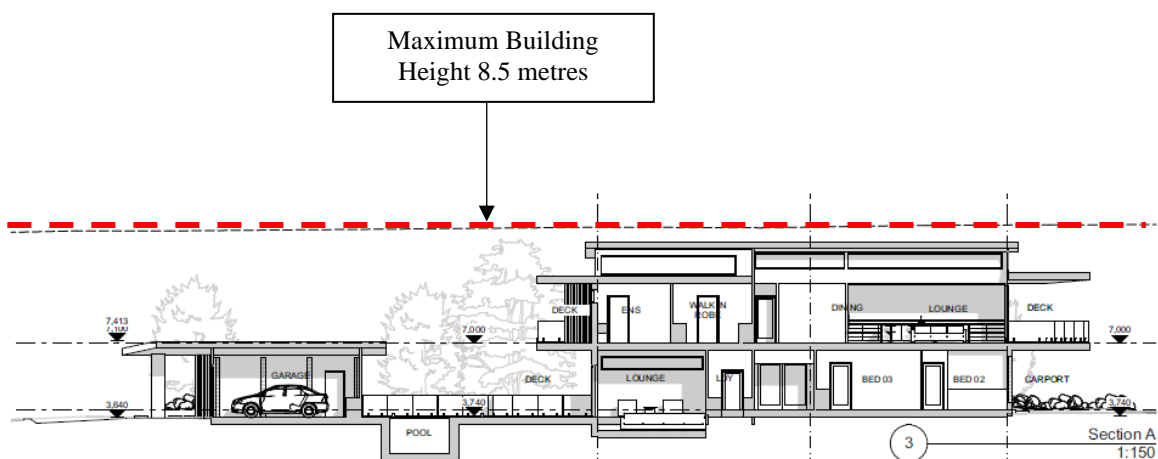


Figure 14
Extract from Architectural Plans showing compliance with building height envelope
(Section A)

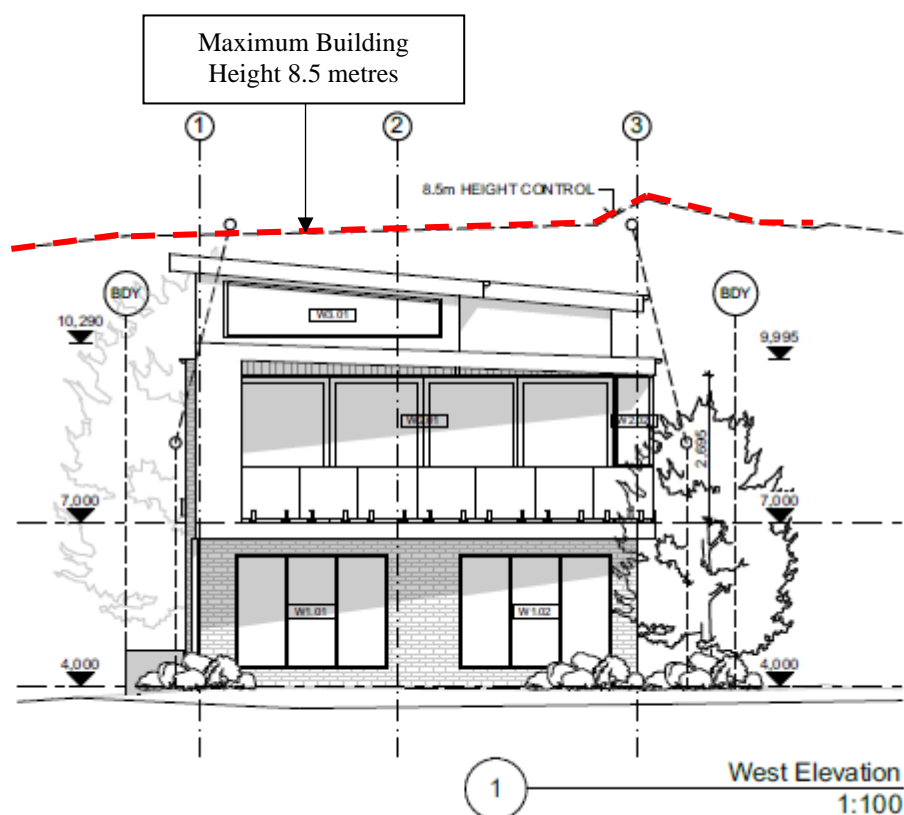


Figure 15
Extract from Architectural Plans showing compliance with building height envelope
(West Elevation)

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2.1.3 Flood Planning

Clause 7.2 – *Flood planning* applies to the subject site. The objectives of this clause are as follows:-

- (i) to minimise the flood risk to life and property associated with the use of land;
- (ii) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change; and
- (iii) to avoid significant adverse impacts on flood behaviour and the environment

This clause applies to land at or below the flood planning level. The Gosford LEP 2014 requires that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:-

- (i) is compatible with the flood hazard of the land, and
- (ii) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (iii) incorporates appropriate measures to manage risk to life from flood, and
- (iv) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (v) is not likely to result in unsustainable social and economic costs to the community because of flooding.

In this instance, Council's GIS flood mapping indicates that, whilst the property is not impacted by the 1% AEP flooding from the Brisbane Water estuary, it is impacted by the Probable Maximum Flood (PMF) as shown in **Figure 16**.

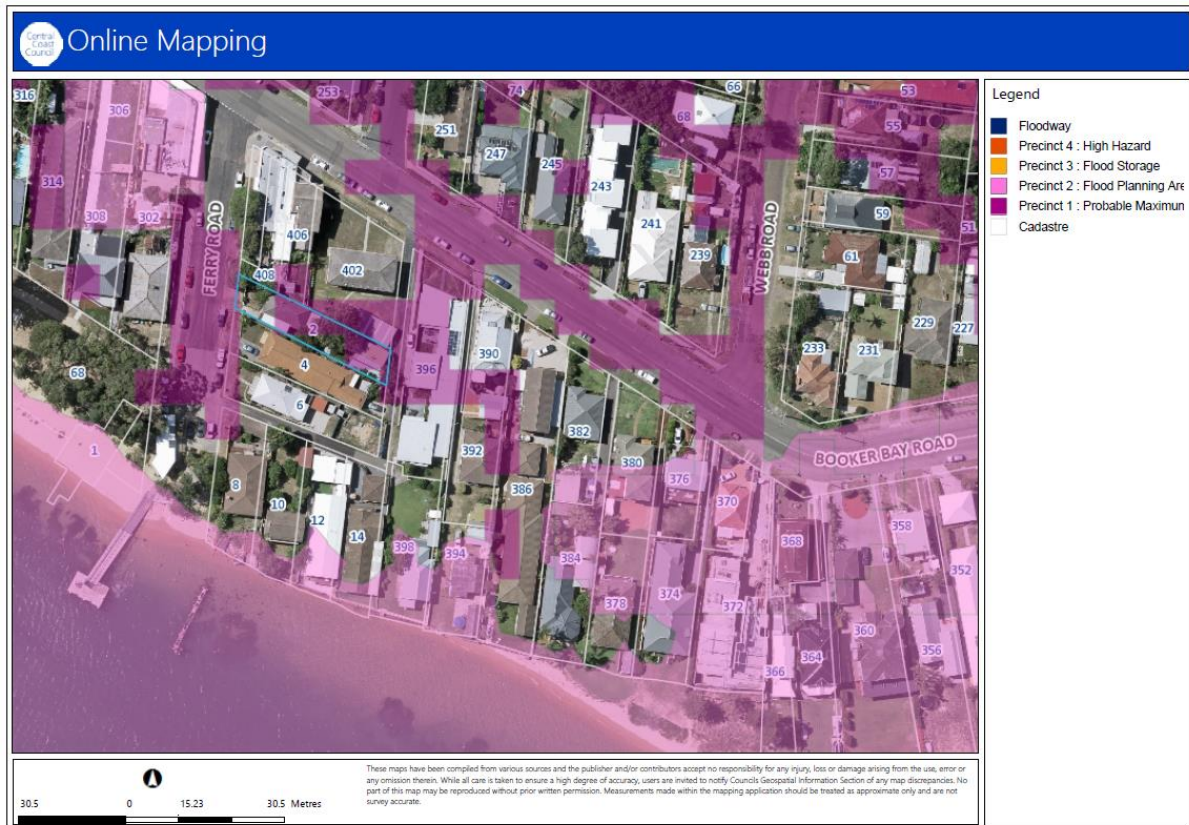


Figure 16
Plan showing areas affected by the Probable Maximum Flood (PMF)
(image courtesy of Central Coast Council GIS Mapping)

It is also noted that the adjacent properties (ie: commercial premises on the corner of Ferry Road and Ocean View Road) are subject to a minimum floor level of RL3.9m AHD based on advice received from Council's engineer Phill Coon dated 3rd February 2021. Therefore, the proposed residential development has a nominated FFL of RL4.0m AHD so as to be compliant with any anticipated minimum floor levels.

2.1.4 Demolition

Clause 2.7 – Demolition requires development consent applies to the subject land. The demolition of a building or work may be carried out only with development consent.

Note—

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent. It is proposed that the existing residential building be demolished, and the site cleared. Consent is therefore sought for the demolition.

2.2 Draft Central Coast Local Environmental Plan 2021

The adopted, but not yet gazetted, *Central Coast Local Environmental Plan 2018* (CCLEP) and *Draft Central Coast Development Control Plan 2018* (CCDCP) applies.

Under CCLEP, the site retains:-

- (i) its current R1 – *General Residential* zoning;
- (ii) its maximum building height of 12 metres; and
- (iii) its maximum floor space ratio of 0.5:1

2.3 Gosford Development Control Plan 2013

The Development Control Plan (DCP) provides support for the guidelines and provisions outlined in the Gosford LEP. The DCP assists in for the development of land to ensure that development respects our local character, is of a high standard of design, considers neighbours and manages potential effects on the environment. The Gosford DCP 2013 came into effect on the 11th February 2014 (the same day as the Gosford Local Environmental Plan (LEP) 2014) and replaces all previous DCPs. Each relevant section of the DCP is addressed within the body of this report including the following relevant chapters:-

- (i) Chapter 2.1 – *Character*;
- (ii) Chapter 3.1 – *Dwelling Houses, Secondary Dwellings and Ancillary Development*;
- (iii) Chapter 6.1 – *Acid Sulfate Soils*;
- (iv) Chapter 6.7 – *Water Cycle Management*;
- (v) Chapter 7.1 – *Car Parking*; and
- (vi) Chapter 7.2 – *Waste Management*

Each of the above standards is dealt with in the body of this report.

3.0 PROPERTY DETAILS:

The subject sites are known as Lot 4 in DP10108 #2 Ferry Road at Ettalong Beach as per the attached ***Detail Survey Plan*** prepared by **Clarke Dowdle & Associates** (see ***Figure 17***). The subject sites are owned by Enrico Polselli and is located on the eastern side of Ferry Road immediately north of the Ferry Road wharf. The site is trapezoidal in shape with a total area of 493.2m² (by calc).

The land is generally level and has primary frontage to Ferry Road with rear lane access of Ocean View Road (see ***Figure 18***). Ground levels range from RL3.54m AHD at the rear of the site to RL3.91m AHD at the street frontage.

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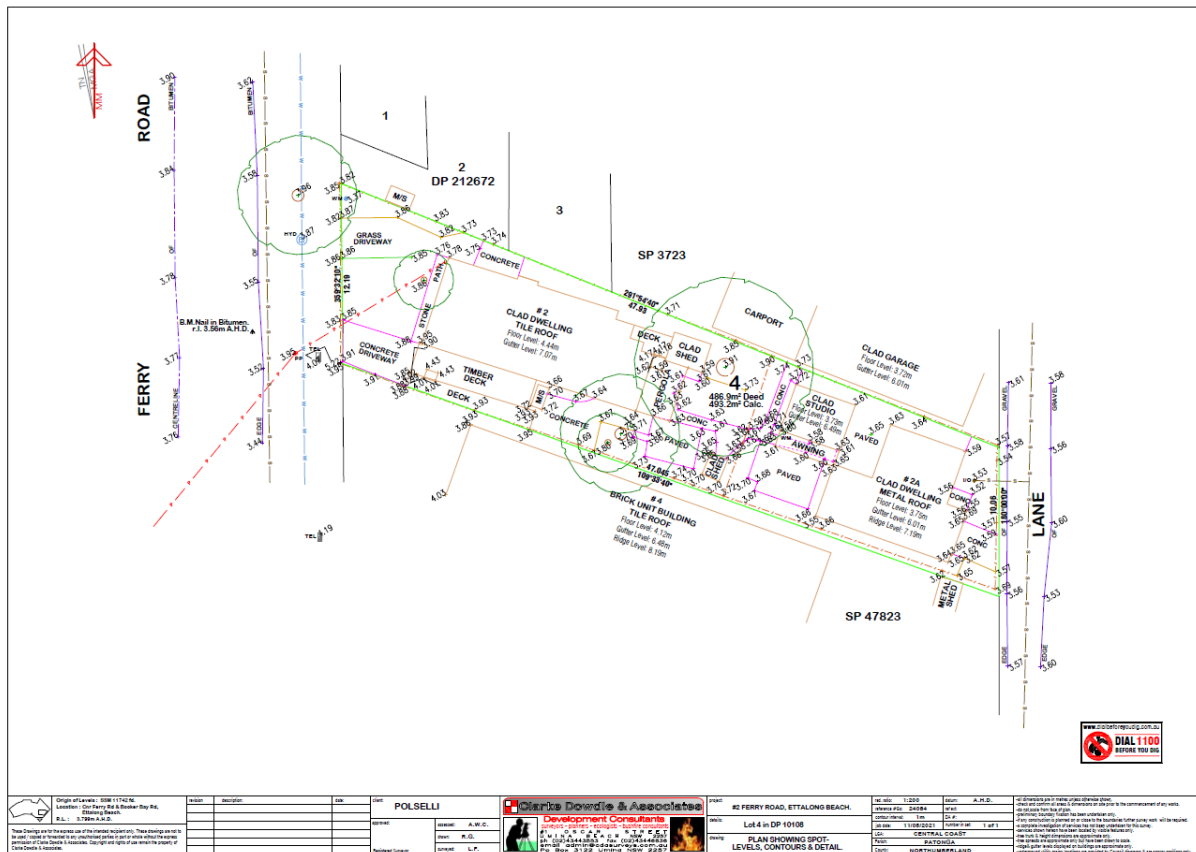


Figure 17
Extract from Site Survey Plan
(courtesy of Clarke Dowdle & Associates)



Figure 18
Locality Plan
(image courtesy of Google Earth Pro)

The subject site is located within a mixed retail/commercial and residential precinct that provides for a range of businesses including the Ettalong Beach Market Complex further to the west of the site. Medium density housing lies immediately to the north with single and two storey residential to the east. Retail development exists on the eastern side of Ferry Road with single and two storey residential between the older retail shops and the foreshore.

4.0 EASEMENTS/RIGHTS-OF-WAY

The property is not encumbered by any known easements of rights-of-way as shown on the **Site Survey Plan** prepared by *Clarke Dowdle & Associates* (Consulting Surveyors) of Umina Beach.

5.0 EXISTING BUILDINGS AND IMPROVEMENTS

The site is occupied by an existing single storey dwelling and ancillary structures as shown on the attached **Site Survey Plan** prepared by *Clarke Dowdle & Associates* (Consulting Surveyors) of Umina Beach (see **Figure 19**).

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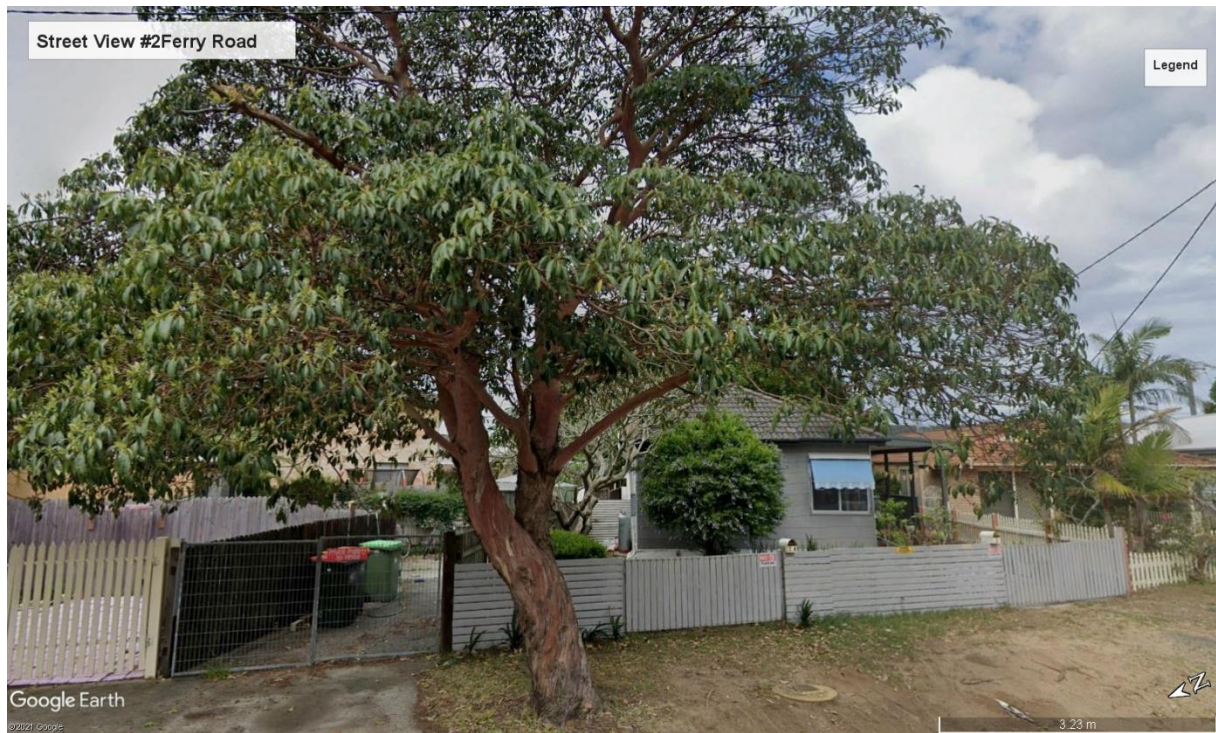


Figure 19
Existing commercial building on Lot 1 fronting Ocean View Road
(photograph courtesy of Google Earth Pro)

6.0 LANDSCAPING AND VEGETATION

6.1 Existing Landscaping

The subject site area of the development is cleared of its original vegetation with a number of remnant introduced plantings remaining on the site predominantly at the rear of the lot as shown on the **Site Survey Plan**. All existing vegetation will be cleared from the site to accommodate the proposed development.

6.2 Proposed Landscaping

The attached **Architectural Plans** prepared by *Osmond McLeod Architects* shows the proposed site landscaping.

7.0 CONTOUR LEVELS

The contour levels are shown on the attached **Site Survey Plan** prepared by *Clarke Dowdle & Associates* (Consulting Surveyors) of Umina Beach. The land falls slightly to the rear of the site with levels ranging from RL3.91m AHD adjacent to the Ferry Road frontage and RL3.54m AHD along the rear laneway boundary.

8.0 STORMWATER DRAINAGE

8.1 Existing Stormwater Drainage

The existing dwelling discharges all roof water into existing on site absorption systems with surface flow being directed to either Ferry Road or the rear laneway. There is no formalised road drainage adjacent to the frontage.

8.2 Proposed Stormwater Details

Under Council's engineering guidelines for on-site detention, it is required that post development flows be limited to less than or equal to pre-developed flows for all stormwater events up to and including the 1% AEP storm event.

The attached **Architectural Plans** prepared by *Osmond McLeod Architects* details the proposed stormwater works and site drainage. All works are in accordance with Chapter 6.7 – Water Cycle Management.

Further detailed engineering drawings and details will be submitted with the Construction Certificate application in accordance with Council's standard conditions relating to the disposal of stormwater.

9.0 WATERWAYS AND WATERCOURSES

The subject site is not affected by any watercourses or waterways.

10.0 FLOODING

Flood planning is addressed in Section 2.1.3 – Flood Planning.

10.1 General

Clause 7.2 – Flood planning applies to the subject site. The **objectives** of this clause are as follows:-

- (i) to minimise the flood risk to life and property associated with the use of land;
- (ii) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change; and
- (iii) to avoid significant adverse impacts on flood behaviour and the environment

This clause applies to land at or below the flood planning level. The Gosford LEP 2014 requires that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:-

- (i) is compatible with the flood hazard of the land, and
- (ii) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (iii) incorporates appropriate measures to manage risk to life from flood, and

- (iv) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (v) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In this instance, Council's GIS flood mapping indicates that, whilst the property is not impacted by the 1% AEP flooding from the Brisbane Water estuary, it is impacted by the Probable Maximum Flood (PMF) as shown in **Figure 19**.

10.2 Proposed Mitigation Measures

It is noted that the adjacent properties (ie: commercial premises on the corner of Ferry Road and Ocean View Road) are subject to a minimum floor level of RL3.9m AHD based on advice received from Council's engineer Phill Coon dated 3rd February 2021. Therefore, the proposed residential development has a nominated FFL of RL4.0m AHD.

11.0 CONSTRUCTION DETAILS

11.1 Location

The attached Site Analysis Plan (as part of the Architectural Plans) prepared **Osmond McLeod Architects** of Ettalong Beach shows the proposed residential development in relation to the existing boundaries. The site is located on the eastern side of Ferry Road immediately to the north of the Ferry Road wharf.

11.2 Schedule of External Finishes

Proposed construction materials will be fully detailed in the building specification to be submitted with the Construction Certificate. The materials and finishes are shown on the attached **Architectural Plans** prepared **Osmond McLeod Architects**.

Generally, the materials to be used are as shown on **Table 5**.



Table 5
Schedule of Finishes
(courtesy of Osmond McLeod Architects)

11.3 Elevations and Sections

The attached **Architectural Plans** prepared by *Osmond McLeod Architects* show the proposed residential development floor plans, elevations and sections in relation to the existing boundaries and adjoining structures.

11.4 Floor Areas and Floor Space Ratio

Clause 4.4 – *Floor Space Ratio* of the Gosford Local Environmental Plan applies to the site. The subject lands are designated H = 0.7:1 under the Gosford Local Environmental Plan 2014 as shown in **Figure 20**. For the purposes of determining compliance with the maximum floor space ratio, the floor area and resulting FSR over the site is detailed in **Table 6**.

The proposal is also subject to Clause 4.4 sub-clause (2B) which says that despite subclause (2), the maximum floor space ratio for a building is as follows:-

- (a) if the building is used for the purpose of a dwelling house—0.5:1, or

Table 6
Floor Space Ratio Calculations

Component	GFA	COMPLIANCE
Ground Level	133m ²	
Level 1	133m ²	
Total GFA	266m ²	
Site Area	493.2m ²	
Maximum Permissible FSR	0.5 to 1 or 246m ²	
Proposed FSR	0.53 to 1	NO (8.1% variation)

Therefore, a variation is sought to the maximum floor space ratio of 0.5:1 (variation 8.1%) based on the design merit and key location of the proposed development and the imperative to lift the design standard at the sea based entry to the Ettalong Beach village centre. The following Clause 4.6 variation is provided in support of the variation.

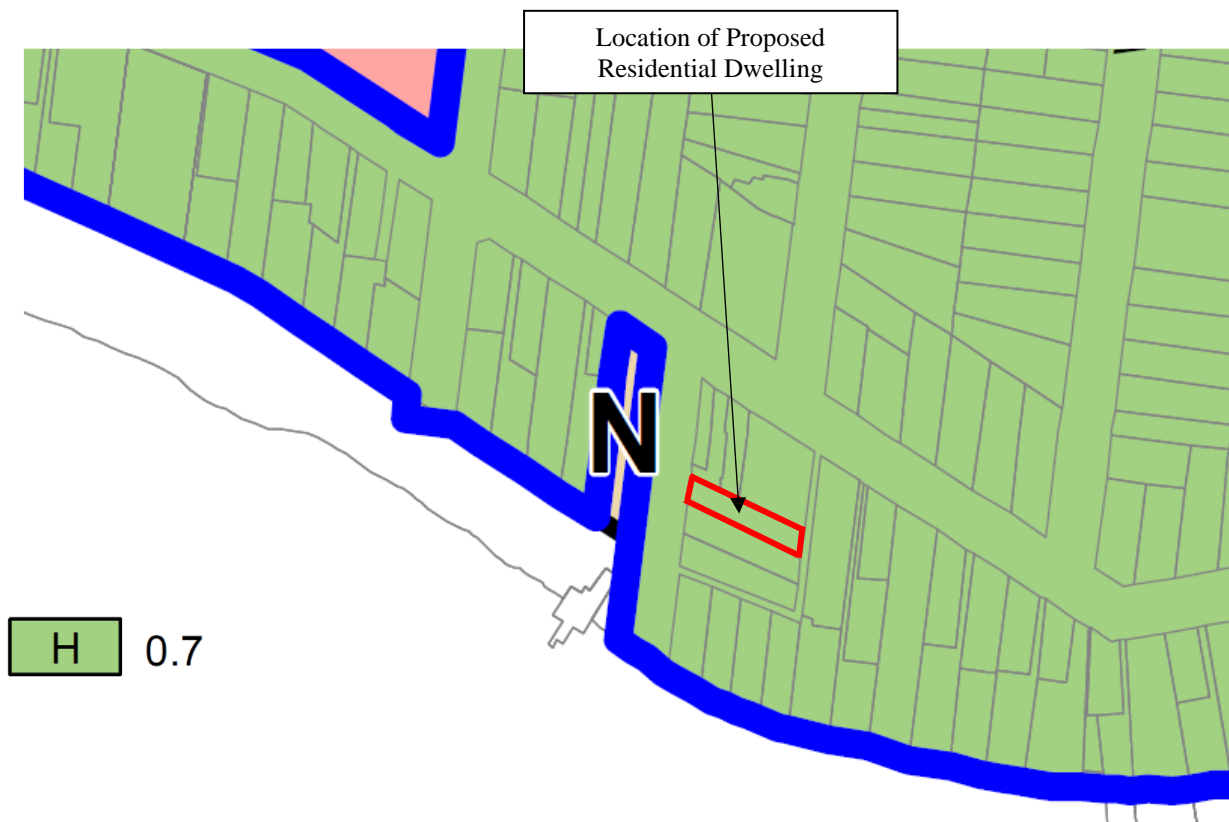


Figure 20
Extract from the Gosford Local Environment Plan 2014 FSR_016C
(image courtesy of the Central Coast Council through the NSW Legislation Portal)

11.5 Energy Efficiency – BASIX Certificate

In accordance with the requirements of State Environmental Planning Policy (BASIX), the attached **ABSA BASIX Certificate** has been prepared for the residential dwelling.

12.0 TRAFFIC MANAGEMENT

Car parking requirements are governed by the Gosford Development Control Plan 2013 under Chapter 7.1 – Car Parking. This chapter applies where development occurs within the former City of Gosford (now the Central Coast Council LGA) and a need is thereby created for on-site car parking. The purpose of this chapter is to ensure that sufficient, well designed on-site parking provisions are made in all new developments and when changes occur to the existing use/development of premises.

It provides details of Council's requirements and guidelines for the planning and design of on-site car parking facilities which satisfy the demand resulting from the development of the site.

12.1 Parking Areas

The proposed garage off the rear laneway has been designed to accommodate two (2) vehicles. Parking requirements are specified in the Gosford Development Control Plan 2013 Chapter 7.1 – Carparking. The parking rate for residential dwellings is:-

Dwelling greater than 125m² - 2 car parking spaces

It is proposed that the development provide two (2) spaces via the two car garage off the rear laneway. It also provides one at-grade space off Ferry Road. The proposed development therefore **COMPLIES** with the Gosford Development Control Plan 2013 Part 7 – General Controls Table 7.1.3.2 Schedule of Requirements.

It is concluded that the proposed parking arrangement will be adequate and will NOT result in adverse traffic or parking implications within the immediate surroundings.

12.2 Traffic Movements

All traffic movements entering and exiting the development will be provided with one primary ingress/egress point located off the rear laneway as shown on the **Architectural Plans** prepared by *Osmond McLeod Architects*. A secondary at-grade parking space is to be provided off Ferry Road.

The ingress/egress services the proposed garage which has been designed to accommodate twenty two (2) vehicles together with one (1) at-grade space off Ferry Road. It is concluded that:

- (i) the site is already accessed from the rear laneway;
- (ii) the proposed garages retain good access from the rear laneway to Ocean View Road;
- (iii) the site is benefitted by good accessibility to local transport services (including bus and ferry connections) and connectivity to local retail centre;
- (iv) the intersections in the vicinity of the site operate with excellent levels of service and minimal delays at present; and
- (v) the proposed parking provision will be consistent with the relevant DCP parking criteria

12.3 Public Transport Connections

The comprehensive bus services provide the necessary local transport connectivity via the stops adjacent to the site. Bus routes no. 53, 59 and 64 provide interconnection between the site and the nearby town centres i.e. Kincumber, Woy Woy, Wagstaffe, and Gosford every 15 minutes during the peak hours (see **Figure 21**).

Ettalong Wharf, which is just some 60m south on Ferry Road provides access to the local ferry network.



Bus routes in this network

32	Gosford - Somersby - Mangrove Mtn - Spencer	54	Woy Woy - Umina Beach - Pearl Beach - Patonga via Cogra Rd & Trafalgar Av
33	Gosford - West Gosford - Somersby	55	Gosford - Woy Woy - Umina Beach - Ettalong Beach via Ocean Beach Rd
34	Gosford - Kariong	57	Woy Woy - Umina Beach - Ettalong Beach via Umina West
36	Gosford - Narara - Niagara Park - Ourimbah - Tuggerah	58	Woy Woy - Woy Woy Bay via Phegans Bay
37	Gosford - Lisarow - Settlers Park - Ourimbah - Tuggerah	59	Woy Woy - Wagstaffe via Ettalong Beach & Booker Bay
38	Gosford - Wyoming	63	Gosford - Davistown - Saratoga via Green Point
50	Woy Woy - Umina Beach via Ocean Beach Rd & Cowper Rd	64	Gosford - Kincumber - Woy Woy via Empire Bay & Booker Bay
53	Woy Woy - Ettalong Beach - Booker Bay via Springwood St		

Figure 21
Bus routes and connections
(image courtesy of Busways)

13.0 SITE WASTE MANAGEMENT

Chapter 7.2 – Waste Management applies to the subject site. This chapter aims to facilitate sustainable waste management within the Gosford Local Government Area in a manner consistent with the principles of ESD.

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

The site is currently serviced by Council's waste services contractor with standard commercial and domestic waste collection. Domestic, recycle and green waste bins are delivered to the kerb side weekly on appointed collection days.

13.1 Garbage Collection Points

The proposed residential development has been designed such that the MGB's are stored in the rear courtyard adjacent to the garage.

It is proposed that residents of the proposed development deliver all MGB's to be moved to the kerb side in Ferry Road on the appointed waste collection day.

13.2 Controls for Site Waste Management

A **Waste Management Plan** is attached detailing the controls for site waste management to be implemented as part of the development process. The plan was prepared by **Osmond McLeod Architects**. The Site Waste Management Plan has been prepared in accordance with the requirements of former Gosford City Council's Development Control Plan 2013 Chapter 7.2 – Waste Management.

14.0 EXTENT OF CUT AND FILL

The attached **Architectural Plans** prepared by **Osmond McLeod Architects** show the extent of cut and fill required to accommodate the development.

15.0 EROSION AND SEDIMENTATION CONTROL:

Chapter 6.3 – Erosion Sedimentation Control of the Gosford Development Control Plan applies to the subject site. This chapter applies to any activity that involves, or could involve:-

- (i) disturbance of, or placing fill on, the soil surface, and/or changes to the contours of the land; or
- (ii) changing the rate and/or volume of runoff flowing over land or directly/indirectly entering receiving waters.

It covers the whole process of development and construction, from initial planning to final site stabilisation. Council's goal is to help achieve a healthy, productive and diverse catchment. Erosion of soil because of disturbance or mismanagement of land is inconsistent with this goal. The **objectives** of this chapter are:-

- (i) to prevent land from being degraded by soil erosion or unsatisfactory land and water management practices;
- (ii) to protect streams and waterways from being degraded by erosion and sediment caused by unsatisfactory land and water management practices; and
- (iii) to promote and protect biodiversity.

Erosion and sedimentation controls will be installed and maintained in accordance with Chapter 6.3 of the Gosford DCP 2013. Full engineering details will be provided in accordance with appropriate conditions of consent as required by Central Coast Council.

Works will include the installation of sediment fences around the perimeter of the site area, stormwater inlet protection and diversion drains where necessary. The attached **Architectural Plans** prepared by *Osmond McLeod Architects* shows the controls to be implemented.

16.0 ROAD FORMATIONS:

16.1 Existing Road Formation

The development fronts Ferry Road to the west (front) which is partly kerbed and guttered (see **Figure 22**). The rear laneway to the east (rear) is not kerbed/guttered and only partly bitumen sealed.



Figure 22
Street view looking south from the intersection of Ocean View Road and Ferry Road
(image courtesy of Google Earth Pro)

16.2 Road Upgrading

As part of the development of the site, adjustments will be required to the footpath area to accommodate the proposed pedestrian and vehicle access to the dwelling and the rear laneway to facilitate ingress/egress to the proposed two car garage. Full engineering details will be provided at Construction Certificate stage in accordance with any Conditions of Consent that may be imposed by the Central Coast Council.

17.0 CLEARING:

The site has already been substantially cleared of all its natural vegetation to accommodate the existing residential dwelling with several domestic plantings and trees (including the large Liquid Amber - *Liquidambar Styraciflua*) remaining on the site predominantly to the rear of the existing residential cottage. The site will be cleared to accommodate the proposed residential dwelling as shown on the **Architectural Plans** prepared by **Osmond McLeod Architects**.

18.0 PUBLIC UTILITIES AND SERVICES:

The following information in relation to existing services and utilities was provided by Dial Before You Dig. Association of Australian Dial Before You Dig Services Ltd. does not maintain information regarding the location of underground assets. DBYD merely facilitates communication between the users of this service and Members/Participants. DBYD is not responsible for the accuracy of information received from users of this service, as to proposed excavation activity. There are also owners of underground assets which do not participate in the referral service operated by DBYD. Therefore, DBYD cannot make any representation or warranty as to the accuracy, reliability or completeness of the information contained in this notice. DBYD and its employees, agents and consultants shall have no liability (except insofar as liability under any statute cannot be excluded) arising in respect thereof or in any other way for errors or omissions including responsibility to any person by reason of negligence. All users of this service acknowledge that they have a duty of care to observe with regards to underground networks when digging or excavating. All services should be located by survey prior to the commencement of all works.



18.1 Sewer Services

The site and existing structures are serviced from the existing Central Coast Council sewer main which runs parallel to the western boundary on Ferry Road as shown in **Figure 23**. The existing residential dwelling is connected to the Council's sewer. The proposed development can be connected to the existing infrastructure.





Figure 23
Extract from Gosford City Council's Infrastructure Records
(courtesy of Central Coast Council through the Dial Before You Dig web portal)

18.2 Water Reticulation

The site and existing structures are serviced from the existing Central Coast Council water main which runs along the eastern side of Ferry Road as shown in **Figure 23**. The existing residential dwelling is connected to the Council's reticulated water supply. The proposed development can be connected to the existing infrastructure.



18.3 Power Supply

The site can be serviced from existing Ausgrid overhead power lines on the western side of Ferry Road. The existing dwelling is currently connected to the power grid as shown in **Figure 24**. Underground Ausgrid assets also exist in proximity to the subject site as shown in **Figure 25**. The proposed development can be serviced from the existing overhead infrastructure subject to application to Ausgrid.





Figure 24
Image showing existing overhead power connection
(image courtesy of Google Earth Pro)

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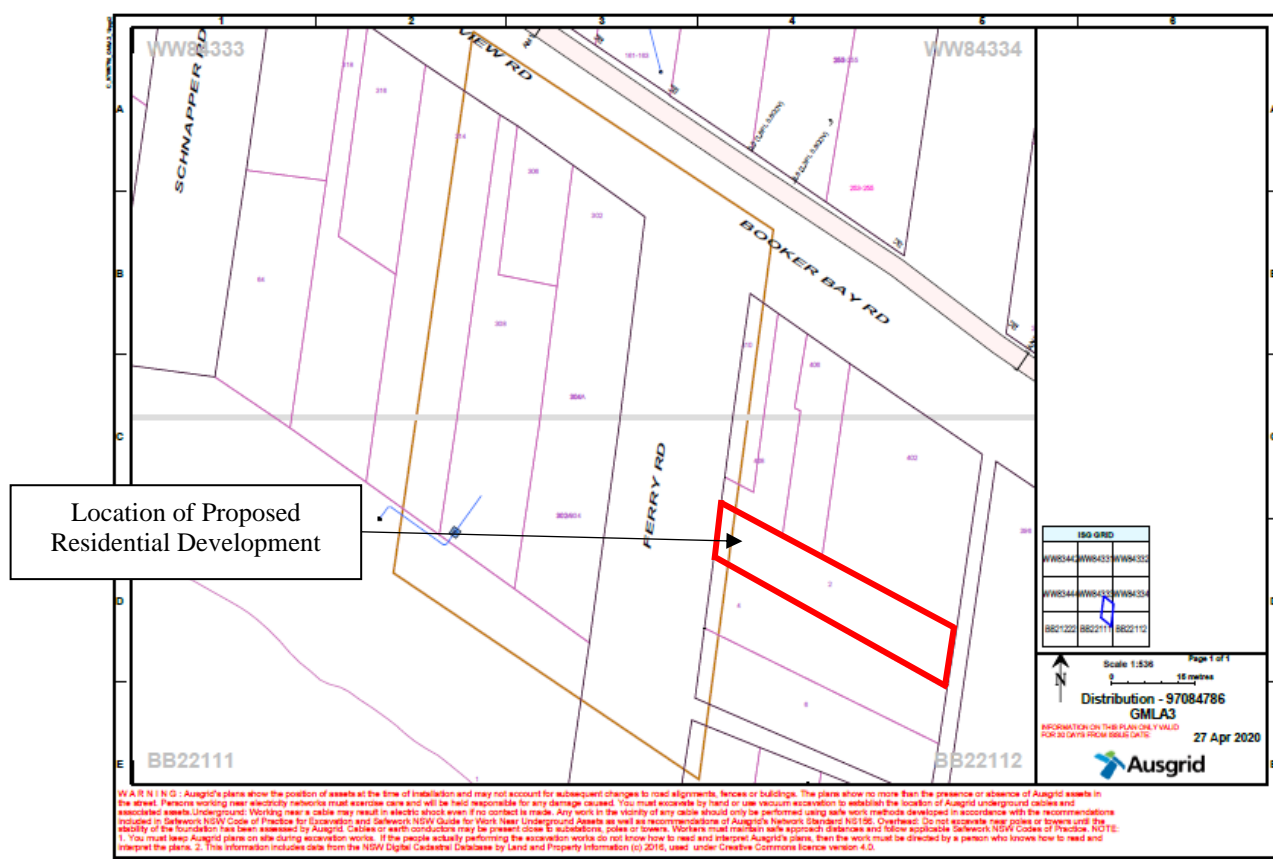


Figure 25
Extract from Ausgrid's Infrastructure Records
(image courtesy of Ausgrid through the Dial Before You Dig internet portal)

18.4 Telecommunications

NBN Co. also have underground telecommunications cables in Ferry Road with broadband services available for connection as shown in **Figure 26**.

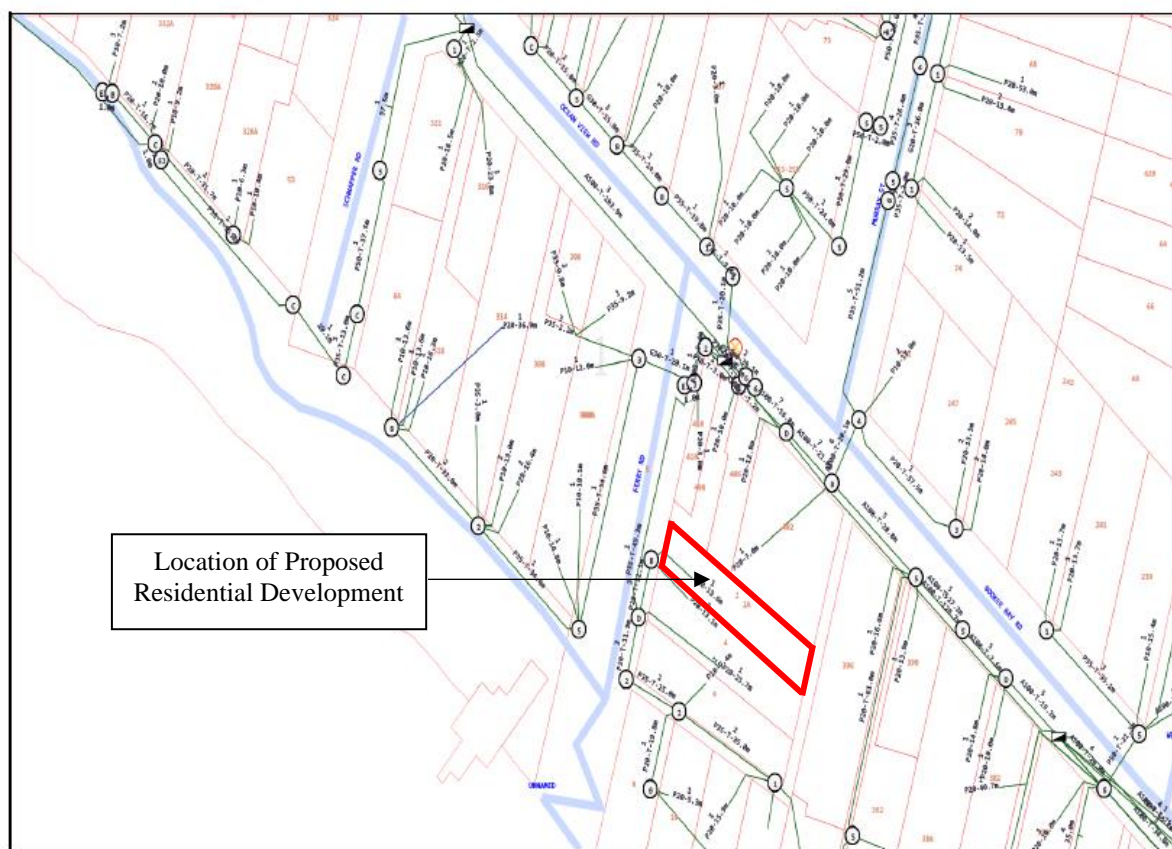


Figure 26
Extract from NBN Co's Infrastructure Records
(image courtesy of NBN Co. through the Dial Before You Dig internet portal)

18.5 Gas Supply

Jemena has underground gas supply available in Ocean View Road servicing existing retail/commercial outlets as shown in **Figure 27**. Services are not directly available to the subject property.





Figure 27
Extract from Jemena's Infrastructure Records
(image courtesy of Jemena through the Dial Before You Dig internet portal)

19.0 STATEMENT OF ENVIRONMENTAL EFFECTS:

The following Statement of Environmental Effects has been prepared for the proposed residential development in Ferry Road, Ettalong Beach. The proposed two (2) storey residential development will have some effect on the local environment as will any high-density development project. However, the effect will be offset by the provision of a high-quality residential facility that will provide substantial benefits to the local community. The following details highlight the measures proposed to reduce the potential effects of the development. All measures will be incorporated into the development to create an environmentally acceptable residential proposal.

19.1 Flora Effects

The subject site area of the development is already cleared of its original vegetation with several small exotic trees and domestic plantings remaining on the site to the rear of the existing dwelling (including the large Liquid Amber – *Liquidambar Styraciflua*). These will be removed as part of the development process. The proposed residential development use will not impact on any rare or endangered flora nor does it affect any wildlife corridors as the development site is significantly disturbed and has been largely cleared of native vegetation.

19.2 Fauna Effects

As above, the subject site area of the development is already cleared of its original vegetation with several small exotic trees and domestic plantings remaining on the site to the rear of the existing dwelling (including the large Liquid Amber – *Liquidambar Styraciflua*). These will be removed as part of the development process.

The proposed development use will not impact on any rare or endangered fauna nor does it affect any wildlife corridors as the development site is significantly disturbed and has been largely cleared of native vegetation.

19.3 Traffic Effects

Traffic issues are addressed under Section 12 – Traffic Management. The proposed development will have primary vehicle access off the rear laneway servicing the two (2) car garage with a secondary at-grade parking space provided off Ferry Road as shown on the attached **Architectural Plans**.

The ingress/egress services the proposed garage which has been designed to accommodate two (2) vehicles. It is concluded that:

- (vi) the site is already accessed from the rear laneway;
- (vii) the proposed garages retain good access from the rear laneway to Ocean View Road;
- (viii) the site is benefitted by good accessibility to local transport services (including bus and ferry connections) and connectivity to local retail centre;
- (ix) the intersections in the vicinity of the site operate with excellent levels of service and minimal delays at present; and
- (x) the proposed parking provision will be consistent with the relevant DCP parking criteria

19.4 Noise Effects

The proposed residential development abuts established residential areas to the north, south and east and commercial activities to the west. As the land is zoned R1 – *General Residential* under the Gosford Local Environmental Plan 2014, some noise effects should be anticipated because of existing and future residential activities. There are already some noise effects because of existing higher density residential activities, the busy Ocean View Road corridor and adjoining commercial activities. The subject land is in an area of transition with traditional detached housing being replaced with medium density residential development and older commercial buildings being upgraded or replaced. Whilst some short term noise impacts will be experienced during the construction phase of the development, it is not anticipated that the proposed development will cause any significant adverse noise impacts in the longer term because of its operation.

19.5 Visual Amenity Effects

19.5.1 *General*

The proposed residential development will not adversely impact on the visual amenity of the surrounding residential and commercial precinct as the proposal seeks to comply with the character provisions under Gosford Development Control Plan 2013 – Chapter 2.1 – Character.

19.5.2 *Character*

The Gosford Local Environmental Plan 2014 provides for land use zones reflective of the desired future character of the Peninsula area. The zones that define the character are shown in **Figure 28**.

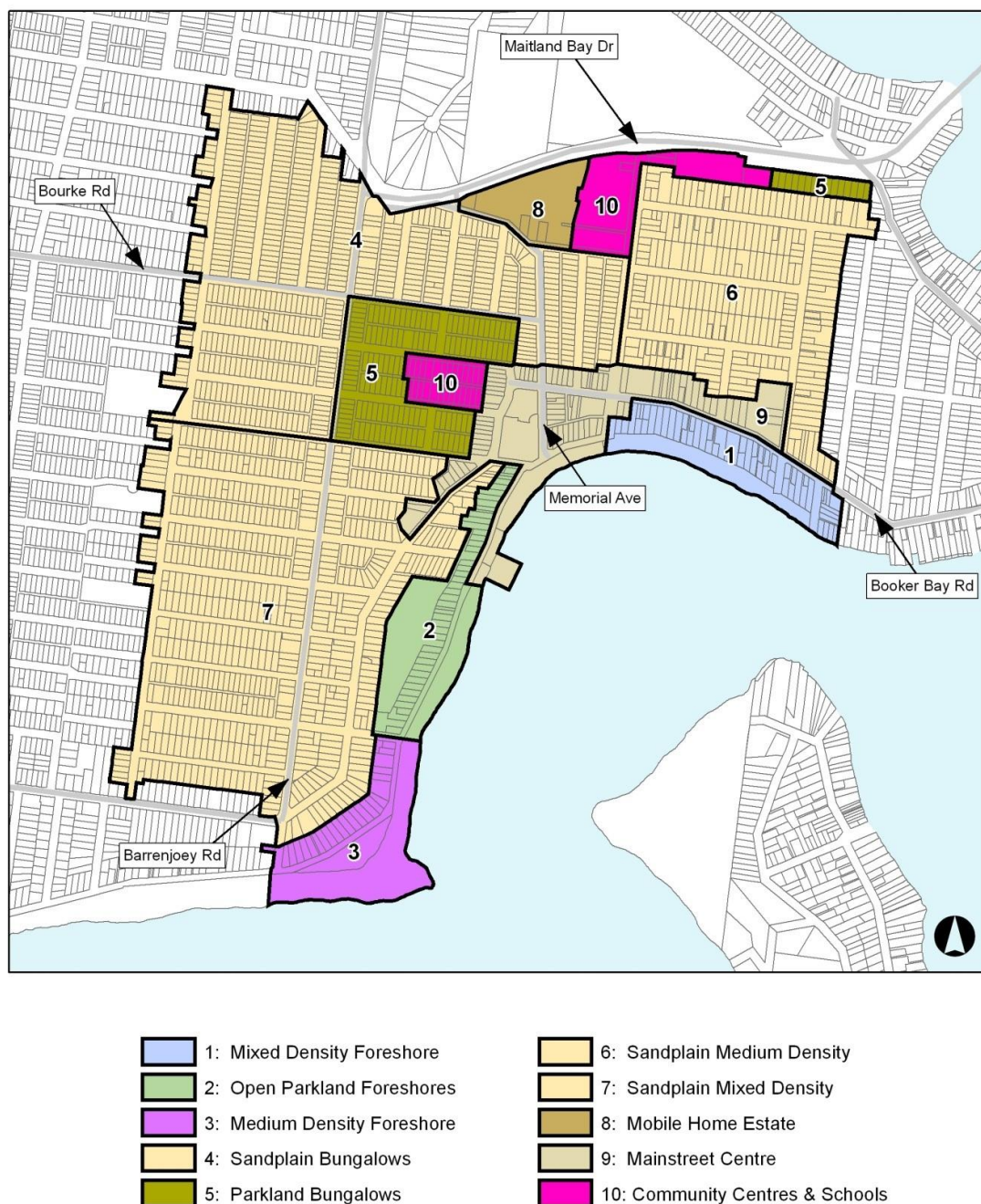


Figure 28
Ettalong Beach Character Zones
(image courtesy of Central Coast Council – Gosford DCP 2013)

The subject lands fall within the 1 “*Mixed Density Foreshore*” zone.

In accordance with the “*desired character*” of the precinct, this area should remain as mixed-density residential foreshores where the scenic quality of prominent backdrops to Gosford City’s coastal waterways is enhanced by new developments of detached and multi-unit dwellings that are surrounded by leafy gardens, and improved standards of amenity and urban design quality are achieved. In this instance, the site is zoned for residential uses for which the building design reflects the anticipated development outcomes.

Whilst the desired character outcomes seek to ensure that new structures do not dominate the informal scenic qualities of foreshore settings, or disrupt development patterns established by surrounding properties, the proposal seeks to achieve the highest and best use of the site and minimise impacts on the foreshore through high quality building design, facades treatments and articulation. The proposed design:-

- (i) does not impact on existing trees that are visually prominent along the foreshore reserve. These trees assist in screening the proposed development;
- (ii) avoids disturbing natural landforms or flood prone;
- (iii) avoids excessive landfilling;
- (iv) avoids excessive terraces, retaining walls, fences or any other outdoor structure that would disrupt the desired informal scenic quality, or compromise the privacy and amenity of neighbouring dwellings;
- (v) avoids the appearance of a continuous wall of development along the waterfront or street by stepping the shape and height of all visible facades;
- (vi) does not impact on waterfront setbacks on the surrounding properties;
- (vii) accommodates the planting of hedges next to fences that are low or transparent in order to provide water views from dwellings;
- (viii) seeks to minimise the scale of the new building by using strongly articulated forms, with facades that vary in shape and height;
- (ix) disguises the visual impact of upper storeys by a combination of varied setbacks plus shady balconies and verandahs;
- (x) provides for roofs that are gently pitched to minimise the height of ridges;
- (xi) provides for covered rear garage parking that it does not accentuate building bulk or dominate visible facades; and
- (xii) minimises the scale of all visible facades by incorporating extensive windows that are shaded by framed balconies, verandahs and exterior sunscreens together with some painted finishes and sheet or board cladding rather than expanses of plain masonry

It is considered that the proposed residential development **COMPLIES** with this outcome in that the proposal represents a new high quality building that does not significantly impact on the prominent backdrop to Brisbane Water.

The proposal protects and enhances existing levels of “main-street” activity with a building form that compliments the pedestrian-friendly scale of existing one and two storey single detached dwellings and shop-front developments.

The proposal also maintains the current level of midday sunlight along footpaths and does not impact on the foreshore.

The proposal conceals off-street parking through the rear garaging and provides unobtrusive vehicle entrance off the rear laneway to minimise impacts on Ferry Road.

The proposed residential development therefore **COMPLIES** with Chapter 2.1 – Character.

19.6 Air Quality Effects

In the short term, the potential impacts on the air quality will be limited to those effects caused from emissions from construction machinery and motor vehicle exhausts associated with the building works. Atmospheric pollutants caused by such emissions are not expected to have a significant long term effect on the surrounding area. When construction is completed, impacts on air quality caused by the operation of the development are not expected to be appreciably more than currently created by the existing residential and retail uses.

19.7 Erosion and Sedimentation Effects

Chapter 6.3 – Erosion Sedimentation Control applies to the subject site. This chapter applies to any activity that involves, or could involve:-

- (i) disturbance of, or placing fill on, the soil surface, and/or changes to the contours of the land; or
- (ii) changing the rate and/or volume of runoff flowing over land or directly/indirectly entering receiving waters.

It covers the whole process of development and construction, from initial planning to final site stabilisation. Central Coast Council's goal is to help achieve a healthy, productive and diverse catchment. Erosion of soil because of disturbance or mismanagement of land is inconsistent with this goal. As with all development work, the potential for soil erosion and sediment transfer is present. To limit this potential, it is intended to implement the necessary controls to restrict such transfer to within the construction zone and prevent any erosion and sediment transfer onto adjoining lands or to the Council's adjoining piped drainage system in Ferry Road.

The attached **Architectural Plans** prepared by *Osmond McLeod Architects* shows the controls to be implemented.

During construction, filter fences will be provided adjacent to the exposed work face and hay bales anchored with star pickets will be provided at the site low points. Due to the sloping nature of the site, erosion and sediment transfer will need to be carefully controlled. However, all works will be monitored daily and the construction area secured with control devices at the conclusion of each day's work. At the completion of each phase of the construction works, all exposed areas will be secured to ensure that the area is stabilised as quickly as possible. All works will be carried out in accordance with Council's directions and in compliance with Chapter 6.3 – Erosion Sedimentation Control.

19.8 Socio-Economic Effects

The proposed residential development will have many positive socio-economic benefits for the local community particularly in relation to the provision of improved residential accommodation near services in the Ettalong Beach village centre and the Palm Beach Ferry service.

The development will complement similar uses already established in the village centre precinct and will meet the growing demand to high quality residential floor space. Benefits will include:-

- (i) the provision of much needed quality residential floor space that will meet strong local demand for accommodation close to existing services;
- (ii) urban renewal within the local area through the replacement of old residential building stock with state-of-the-art construction;
- (iii) potential increase in local employment as the business draws on the local population for labour;
- (iv) an increase in street activation; and
- (v) increased economic activity and services

19.9 Hours of Operation

The proposed residential development will be accessible 24 hours a day.

19.10 Geotechnical Effects – Site Contamination

Clause 7(1) of State Environmental Planning Policy No. 55 – *Remediation of Land* is relevant to the assessment of this Development Application. Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purposes for which the development is proposed to be carried out.

It is confirmed that the site is not identified as a contaminated site and the historic uses on the site do not suggest a likelihood of contamination.

Reference is made to Table 1 contained within the *NSW Contaminated Land Planning Guidelines* which lists potentially contaminating activities, industries and the chemicals typically associated with them. The past residential activities associated with the subject site do not fall within any of the Table 1 categories and therefore under Clause 7 – *Contamination and remediation to be considered in determining development application* of SEPP55, the site does not require a contamination report.

19.11 SEPP (COASTAL MANAGEMENT) 2018

Reference is made to the NSW State Government legislation which requires the applicant to submit additional information outlining how the proposal satisfies the aims and objectives of SEPP (Coastal Management) 2018. The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the [Coastal Management Act 2016](#), including the management objectives for each coastal management area, by:-

- (i) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (ii) establishing a framework for land use planning to guide decision-making in the coastal zone; and
- (iii) mapping the four (4) coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the [Coastal Management Act 2016](#).

The subject properties fall with the Coastal Use Area mapping as shown in **Figure 29**. The coastal use area is the land identified as such by the Coastal Use Area Map.

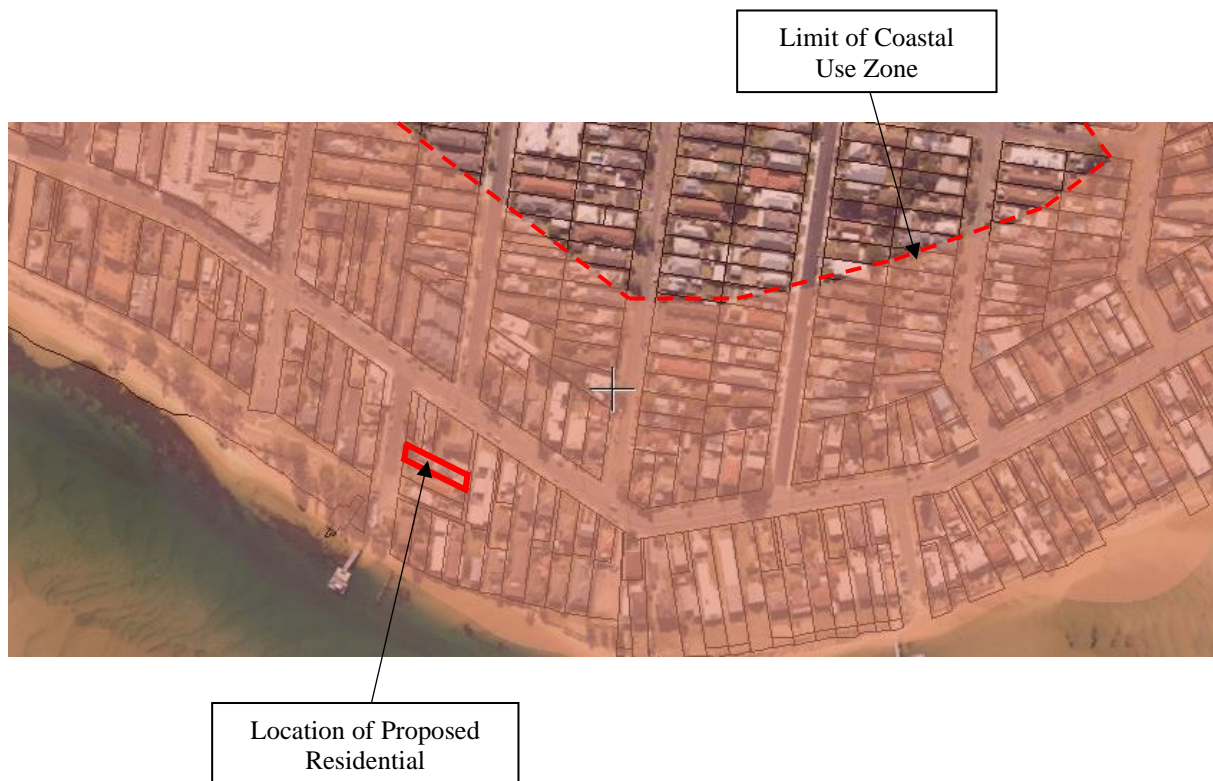


Figure 29

Extract from the State Environmental Planning Policy (Coastal Management) 2018 – Maps
(courtesy of the NSW Department of Planning and Environment)

Under Division 4 – Coastal Use Area, development on land within the coastal use area must not be granted consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:-

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores;
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands;
- (iv) Aboriginal cultural heritage, practices and places; and
- (v) cultural and built environment heritage

Further, the consent authority must be satisfied that:-

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact

The consent authority must also take into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. The following comments are made in relation to the **aims and objectives of the act.**

(a) Aim – manage development in the coastal zone and protect the environmental assets of the coast

The proposed residential development will not adversely affect the *management of the coastal zone* of this section of the NSW coast as the proposal is to be constructed within an established residential area that already has substantial detached and medium density residential development. Nor will the proposed development adversely affect the *environmental assets* of the coast. The size, bulk and scale is consistent with desired character outcomes for the precinct as expressed in the Gosford Development Control Plan 2013. The development also largely complies with the relevant provisions under the Gosford Development Control Plan 2013 and represents a considerable improvement to the existing built form.

The proposal therefore **COMPLIES** with the above objective.

(b) Aim – establish a framework for land use planning to guide decision-making in the coastal zone

The proposed residential development will not adversely affect the *establishment of the required framework* for land use planning within the coastal zone as the proposal is to be constructed within an established residential area that already has substantial mix of residential accommodation and a historical residential pattern. The size, bulk and scale is consistent with desired character outcomes for the precinct as expressed in the Gosford Development Control Plan 2013.

The proposal therefore **COMPLIES** with the above objective.

(c) Aim - mapping the four (4) coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016

The proposed residential development will not adversely affect the *mapping of the four coastal management zones* as the proposal is to be constructed within an established residential area that already has substantial mix of residential accommodation and a historical residential pattern whereby mapping is required to consider the existing built environment.

The proposal therefore **COMPLIES** with the above objective.

The following comments are made in relation to the **matters to be considered under the act.**

(a) Consideration – impacts on existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability

The subject site is close to the Ettalong Beach foreshore. However, it does NOT impede public access to these areas. The proposal therefore **COMPLIES** with the above consideration.

(b) Consideration – impacts on overshadowing, wind funneling and the loss of view from public spaces to foreshores

As above, the subject site is close to the Ettalong Beach foreshore and the foreshore reserve. However, the development does NOT create overshadowing, wind funneling or loss of views from public access to these areas. The proposal therefore **COMPLIES** with the above consideration.

(c) Consideration – impacts on visual amenity and scenic qualities of the coast including coastal headlands

The proposed development is consistent with the desired character under Council's Chapter 2.1 – Character under the Gosford Development Control Plan 2013.

The proposed bulk, height and scale of the building is also consistent with the desired future character for the precinct which represents an area in transition with existing residential stock being upgraded and/or replaced with higher density residential development.

The subject site is not in a prominent position although it is near the Ettalong Beach foreshore. However, the proposal will not have any significant adverse visual impacts on the coastline due to its high degree of architectural treatment, articulation and boundary setbacks. Therefore, it is considered that the proposal **COMPLIES** with the above consideration.

(d) Consideration – impacts on Aboriginal cultural heritage, practices and places

Following an AHIMS search (see attached and **Figure 38**), there are no recorded aboriginal sites recorded on the subject property although there are recorded sites nearby. The proposed residential development does not impact on those sites and therefore, **COMPLIES** with the above consideration.

(e) Consideration – impacts on cultural and built environment heritage

The subject lands and the proposed residential development are not located within a heritage listed area nor close to any heritage listed items. The immediate precinct is mix of older style residential dwellings, retail/commercial buildings and more recent medium density developments within an area of urban transition. The traditional built form does not represent a significant built environmental heritage that would cause the proposed development to adversely impact on the cultural attributes of the area and therefore, **COMPLIES** with the above consideration.

(f) Consideration – design, siting and management

The proposed residential development has been designed in accordance with the requirements of the Gosford Development Control Plan 2013 and the National Construction Code of Australia such that the bulk, scale and orientation of the building takes into consideration the above consideration (a) to (e). The proposed design has been prepared giving due consideration to all matters that are required to be addressed under the SEPP in that it:-

- (i) complies with the aims and objectives of the SEPP as described above;
- (ii) does not affect existing public access to and along the coastal foreshore;
- (iii) does not affect opportunities for provide new public access to and long the coastal foreshore;

- (iv) addresses and considers the issue of sustainability given its type, location and design and its relationship to the surrounding area. This is addressed in the development report and Statement of Environmental Effects appended to the development application;
- (v) does not cause any detrimental impact on the amenity of the coastal foreshore especially in relation to overshadowing or loss of views;
- (vi) does not adversely impact on the scenic qualities of the NSW coastline. Whilst the property is in a prominent location, the design (including setbacks and articulation) are complimentary to the precinct and are consistent with the desired future outcomes for the area;
- (vii) does not impact on threatened flora or fauna nor impact on sensitive habitats;
- (viii) does not impact on marine life or marine vegetation;
- (ix) does not impact of wildlife corridors;
- (x) is not affected by Aboriginal cultural places, beliefs, customs or traditional knowledge;
- (xi) will not impact on water quality. All appropriate erosion and sedimentation controls will be implemented in accordance with Council's codes and practices; and
- (xii) does not affect any items of heritage, archaeological or historic significance

19.12 Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It includes the built environment, open space (including passive recreation space), pedestrian and transport corridors, conflicts of land use etc.

CPTED aims to reduce opportunities for crime by using design and place management principles that reduce the likelihood of essential crime 'ingredients' (ie: law, offender, victim or target, opportunity) from intersecting in time and space.

In practice this means that predatory offenders often make "cost benefit assessment" of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:-

- (i) maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
- (ii) maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
- (iii) minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- (iv) minimise excuse making opportunities (removing conditions that encourage / facilitate rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are:-

- (i) territorial re-enforcement,
- (ii) surveillance,
- (iii) access control, and
- (iv) space/activity management.

The following strategies are to be included in the development:-

Territorial Re-enforcement

The use of vegetation will assist in creating territorial reinforcement along the Ferry Road and public reserve property boundaries. The attached ***Landscape Masterplan*** prepared by **Conzept Landscape Architects** ensures that:-

- (i) vegetation does not inhibit a “line of sight” into the development when looking into the development from outside;
- (ii) heavy vegetation has been avoided at the entrance areas of the dwelling so as not to provide concealment opportunities; and
- (iii) lighting will be used at key entry points to assist in identifying the transition between public and private land

Surveillance

The proposed landscaping has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities.

In selecting and maintaining the proposed vegetation, consideration has been given to the possibility of areas becoming entrapment sites in the future. Shrubs are not greater than one (1) metre in height and the canopy of the tall street trees are to be higher than six (6) metres.

The residential development has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. It has been designed taking into consideration:-

- (i) the Australian and New Zealand Lighting Standard 1158.1 – *Pedestrian* which requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels; and
- (ii) vision and surveillance in the entry area (front and rear); and

Access controls

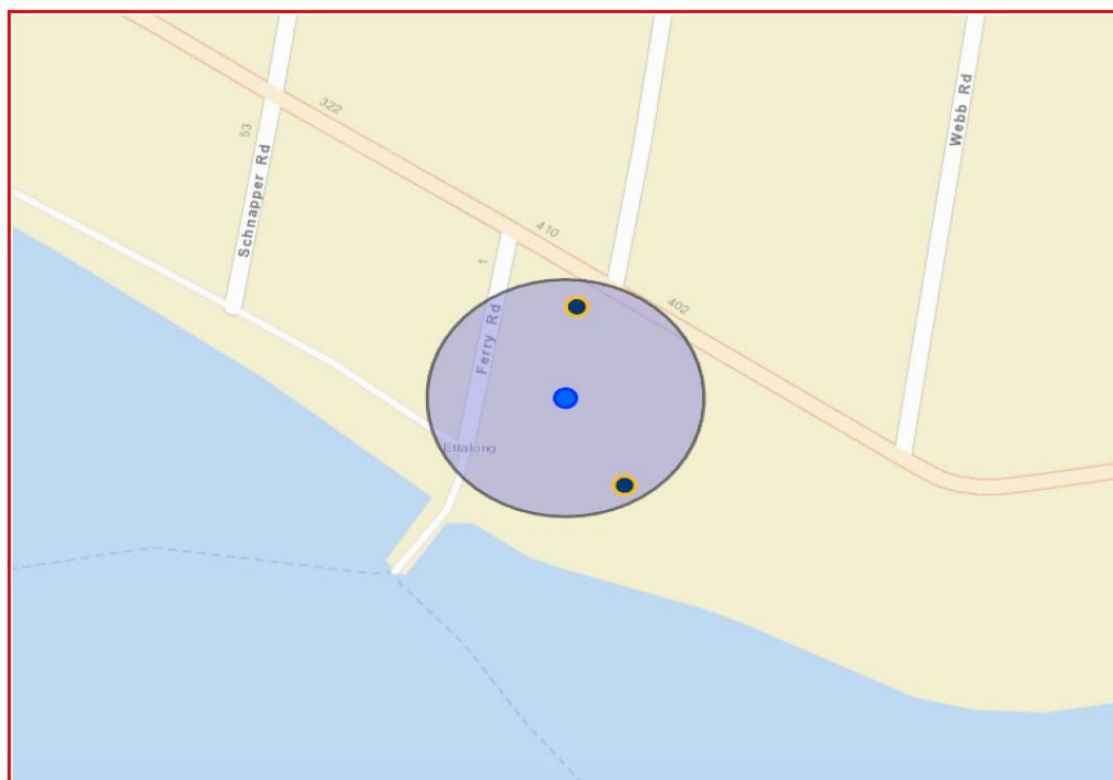
- (i) all entry points (pedestrian and vehicle) are to be clearly identified as being private property through appropriate gates and fencing

Space/Activity Management

Gardens, hard walls, fencing and perimeter landscaping is to be well maintained. Any evidence of anti-social behaviour (eg: graffiti, malicious damage, broken lights etc) is to be cleaned, fixed, made good and replaced within 24 hours. The garbage bin/waste areas are to be always secured and kept clean.

19.13 Archaeological Effects

The attached AHIMS Search (see ***Figure 30***) shows to two (2) known Aboriginal sites in proximity to the subject site although none are recorded on the property.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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

Figure 30
Location of Recorded Aboriginal Sites
(courtesy of the Aboriginal Heritage Information Management System)

20.0 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

It is prudent to take into consideration the principles of ecologically sustainable development as required in the management and development of the area. These comments are in accordance with the *New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997* and partly addresses the Performance Criteria in the DCP.

Effective integration of economic and environmental considerations is recommended in decision making processes through the implementation of the following processes:-

- (i) *The Precautionary Principle – namely, if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

The site is fully cleared of native vegetation with no remnant native trees. The existing trees are introduced including the large Liquid Amber (*Liquidambar Styraciflua*). The property has been continuously used for residential purposes since the middle of last century to establish a long term residential presence in the locality.

This has been supported by a range of adjoining retail and residential activities adjacent to the site including recent medium residential to the north and east in the surrounding residential catchment. All existing site improvements are to be removed to accommodate the proposed residential development. There are no identified threats that would cause serious irreversible environmental damage nor any lack of scientific certainty in relation to the development.

- (ii) *Inter-generational Equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.*

The proposed residential development has been designed in accordance with all current engineering and environmental regulations and to such a standard that the local environment will be protected both during construction and as a result of its ongoing operation. The development will also create both short and long term employment opportunities and provide high quality residential accommodation.

Therefore, the health, diversity and productivity of the environment will not be adversely affected by the proposed residential development.

- (iii) *Conservation of Biological Diversity and Ecological Integrity – namely, that the conservation of biological diversity and ecological integrity should be a fundamental consideration.*

As the property has been fully developed for residential for over 60 years, the subject land has been significantly modified and degraded compared to its natural state. Therefore, the application for the proposed residential dwelling will not have any appreciable effect on the biodiversity or ecological integrity of the area.

21.0 CONCLUSION:

The proposed residential development is recommended to the Central Coast Council on the basis that it:-

- (i) it is permissible in the R1 – *General Residential* zone under the Gosford Local Environmental Plan 2014;
- (ii) will provide much needed high quality residential accommodation that will service the local community and the growing Ettalong Beach village centre;
- (iii) can be fully serviced with a range of utilities;
- (iv) has direct access to public transport (bus services) and the Ettalong Beach village centre precinct; and
- (v) is easily accessible to the local community.

22.0 LIMITATIONS:

Wales & Associates Urban Design Partners (WA) has prepared this report for a project at #2 Ferry Road at Ettalong Beach in accordance with instructions of Enrico Polsetti. The report is provided for the exclusive use of Enrico Polsetti for this project only and for the purpose(s) described in the report. It should not be used for other projects or by a third party. In preparing this report WA has necessarily relied upon information provided by the client and/or their agents.

WA's advice is based upon the information supplied and encountered during this assessment. The accuracy of the advice provided by WA in this report may be limited by undisclosed information provided by other sub-consultants. The advice may also be limited by budget constraints imposed by others or by site accessibility. This report must be read in conjunction with all of the attached notes and reports and should be kept in its entirety without separation of individual pages or sections.

WA cannot be held responsible for interpretations or conclusions made by others unless they are supported by an express statement, interpretation, outcome or conclusion given in this report. Please contact the undersigned for clarification of the above as necessary.

1st December 2021

.....
Matthew Wales
Director – Wales & Associates Pty Limited

.....
Date

END

REFERENCES

The following documents were referenced:-

- (i) New South Wales Government (1979) Environmental Planning & Assessment Act (as amended);
- (ii) State Environmental Planning Policy No. 65 – Design Quality;
- (iii) State Environmental Planning Policy (Coastal Management) 2018;
- (iv) State Environmental Planning Policy (BASIX)
- (v) Gosford Local Environmental Plan 2014;
- (vi) Gosford Development Control Plan 2013;
- (vii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997