



Community Environment Network Inc.

An alliance of community and environment groups from Lake Macquarie, Wyong and Gosford.

15 December, 2015

Attention: A/Director – Regional Assessments
Planning Services
Department of Planning & Environment,
GPO Box 39,
SYDNEY NSW 2001

Re. Application No. MP 09-0121 MOD 1 47 – 50 The Esplanade, Ettalong Beach

Dear Sir/Madam

The Community Environment Network is an alliance of community and environment groups from the Gosford, Wyong and Lake Macquarie LGAs. We are a not-for-profit, community based organisation that works for ecologically sustainable development and against threats to it. Our membership is 400 including approximately 70 groups with an affiliated membership of approximately 5,000. CEN is a non-political organisation and has not made any donation to a political party in the last two years.

This submission objects to the proposed development on the corner of Memorial Avenue and The Esplanade at Ettalong Beach and to the current application for modification of the approval for this development.

As you would be aware, the proposed development of a seven storey mixed-use residential development was approved on this waterfront site by the then Minister for Planning in November 2010 (Department of Planning reference MP 09-0121). The proposal was approved by the Minister under Part 3A of the Environmental Planning & Assessment Act, which was subsequently repealed by the Coalition Government (from 1 October 2011).

The owner of the site at that time was Tesrol Ettalong Pty Ltd, which was the applicant for the approval under Part 3A of the Environmental Planning & Assessment Act. Subsequently, the ICAC inquiry into political donations by property developers investigated a series of donations made by the Tesrol Group of companies during 2010-11.

The Community Environment Network is opposed to any consideration of the current application until the report of ICAC into political donations by property developers is released to the public. We do not know who the proposed developer of this site is and we do not know what the connection of the current owner of this site is to the Tesrol Group. We believe that the ICAC report on its inquiry into political donations could make recommendations relevant to the consideration of the current application.

The Peninsula News reported that the Ministerial approval lapses after 5 years, unless the project is physically commenced before the 5 years have expired. In fact, the 5 years expired on 24 November 2015 and there has been no commencement of the proposed development. However, it is understood that the Minister has the power under the Environmental Planning & Assessment Act to modify the development approval granted under Part 3A, including granting an extension of the period for which it is valid.

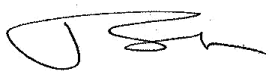
The CEN is making this submission because the development approved by the former Minister would not comply with the development standards for the Ettalong town centre that were set by Gosford Local Environmental Plan 2014. Furthermore, the proposed modification of the approval would not ameliorate the adverse visual and environmental impacts that would result from this overdevelopment of a beachfront site.

In particular, the proposal for Stage 1 of the development between The Esplanade and the laneway (Lots 113 – 116, DP 10650) would be a gross overdevelopment of the beachfront part of the site:

- Gosford LEP 2014 prescribes a maximum Floor Space Ratio of 1:1 on the lots along The Esplanade, whereas the Tesrol proposal would have an FSR of 2.59:1. In other words, the floor space proposed in Stage 1 would be 2.59 times the area that would be permitted under the LEP; Stage 1 would have over 3,500 square metres more than the permissible floor space.
- The proposed modification would add even more floorspace (277 square metres), thus increasing the FSR to 2.63 according to the Statement of Environmental Effects for the Modification.
- Gosford LEP 2014 prescribes a maximum height of 11.5 metres on the lots along The Esplanade, whereas the current proposal would have nearly double this height at 22.4 metres. In other words, Stage 1 has been approved with ground floor retail development plus six floors of residential development, which would be four floors more than the LEP height control would permit.
- On winter afternoons, the Stage 1 development would cause significant overshadowing of The Esplanade, including the recently completed Foreshore Park and pedestrian/bike path. The shadow diagrams exhibited as part of the Statement of Environmental Effects for the Modification show that there would be no reduction in the area overshadowed. The shadow would extend across The Esplanade and the bike path from mid-morning to mid-afternoon in the winter season.
- The height and design of the development, and its proximity to the Mantra Resort, will create a wind tunnel on Memorial Avenue, especially during the frequent southerly winds coming from Broken Bay. There is no change proposed to the design that would mitigate the wind tunnel effect.

The Community Environment Network considers that Tesrol Ettalong had more than sufficient time to commence the proposed development, especially since the approval would have allowed a building more than double the size that would be permitted under Gosford Council's planning controls. Therefore, CEN opposes any extension of time for implementation of development approval MP 09-121 or any modification of the approval requested by the current owner of the site.

Yours sincerely,



Jane Smith
Chief Executive Officer