



AUSTRALIAN LABOR PARTY

UMINA/ETTALONG BRANCH

Application No. MP 09-0121 MOD 1

16th December 2015

Planning Services
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: A/Director – Regional Assessments

Dear Sir/Madam

I am writing to you concerning the proposed development on the corner of Memorial Avenue and The Esplanade at Ettalong Beach, previously known as the Tesrol development.

This submission objects to the proposed development (as originally approved) 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was approved by the Minister under Part 3A of the Environmental Planning and Assessment Act, which was subsequently repealed by the Coalition Government (from 1 October 2011).

The Peninsula News (28th September 2015) reported that the Ministerial approval lapses after 5 years, unless the project is physically commenced before the 5 years have expired. However, it is understood that the Minister has the power to modify the development approval, including granting an extension of the period for which the approval is valid.

The ALP Umina-Ettalong Branch resolved at a recent meeting that:

The Umina-Ettalong is opposed to 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. The Branch is opposed to the development because it was approved by the former Minister under Part 3A of the Environmental Planning and Assessment Act and it would not comply with the development standards for the Ettalong town centre that were set by Gosford Local Environmental Plan 2014.

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 incorporated development controls based on the recommendations of the Peninsula Urban Directions Strategy (PUDS). In particular, PUDS recommended a maximum of

three storeys for waterfront sites to minimise scenic impact and to share views (with sites behind). The proposed development would consist of ground floor retail development and six floors of residential development, which would be four storeys more than recommended by PUDS.

- Consistent with PUDS, Gosford LEP 2014 prescribes a maximum Floor Space Ratio of 1:1 on the lots along The Esplanade, whereas the original proposal on The Esplanade 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 to the application would add even more floorspace, thus exacerbating the overdevelopment of this site and its adverse impacts.
- Gosford LEP 2014 prescribes a maximum height of 11.5 metres on the lots along The Esplanade, whereas the proposal would have nearly double this height at 22.4 metres. Although the proposed modification would reduce the height by 1 metre from the original approval, the development would still be 11 metres higher than the maximum height under Gosford LEP 2014.
- 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 days, the Stage 1 development would cause significant overshadowing of The Esplanade, including the recently completed Foreshore Park and pedestrian/bike path. The shadow, which would extend along the Esplanade frontage of the development, would extend across The Esplanade and the pedestrian/bike path from mid-morning to mid afternoon in the winter.
- The Statement of Environmental Effects for the Modification shows that there would be no reduction in the area overshadowed.
- 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.

From 2005 until 2010, the residents of the Woy Woy Peninsula fought against Tesrol's proposed overdevelopment of its site on The Esplanade and were supported by Gosford City Council. Tesrol was only successful in gaining approval for its grossly excessive proposal in 2010 because of the use of Part 3A of the Environmental Planning and Assessment Act to circumvent proper consideration of the local and regional plans.

Tesrol Ettalong has had five years to commence its proposed development and has not even made a minimal attempt to construct the foundations, let alone build anything above ground. The ALP Umina-Ettalong Branch is opposed, therefore, to any extension of time for implementation of approval MP 09-121 or any modification of the approval requested by the current owner that does not comply with the development standards in Gosford LEP 2014.

Yours sincerely,



Joy Brogan,
Senior Vice-President,
ALP Umina/Ettalong Branch
10 Murray Street
Ettalong Beach
NSW 2257