



STATEMENT OF ENVIRONMENTAL EFFECTS



**47-50 THE ESPLANADE ETTALONG BEACH, NSW 2257
(LOTS 111, 112, 113, 114, 115 and 116 DP 10650)
SECTION 75W AMENDMENT OF MP 09_0121**

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Introduction

This Statement of Environmental Effects (SEE) was prepared in support of an application pursuant Section 75W of Part 3A of the Environmental Planning and Assessment Act 1979. Section 75W continues to apply for the purpose of the modification of a Project Application approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project.

This Project Application was originally approved by the NSW Department of Planning (DoP) under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Project Application was approved as a 2 Stage project comprising:

1. Stage 1: Construction of a 7 storey mixed use residential building, and
2. Stage 2 Construction of a 2 storey commercial / retail building.

This application seeks only to modify Stage 1 of the approved Project Application.

This SEE describes the proposed modifications to the approved Project Application as set out in the accompanying architectural drawings and notations. A summary of the modifications is in Table 1.

Compared to the approved design (approval number MP09_0121), the residential component of the mixed-use building is proposed to be reconfigured. A comparison between the approved apartment mix and the proposed design is in Table 1. Fourteen additional apartments are included as part of this amendment. Two-bedroom apartments represent the largest increase in number of apartments (26 as approved to 42 proposed; Table 1). The total GFA increases by 271.64m² and the FSR would increase from 2.5:1 to 2.63:1.

Table 1. The approved apartment mix (in bold) and the proposed apartment mix under s75W of the EP&A Act.

Level	1 bed		2 bed		3 bed		Total	
	Approved	Proposed	Approved	Proposed	Approved	Proposed	Approved	Proposed
1	5	3	5	11	1	1	11	15
2	5	3	3	11	1	1	9	15
3	-	1	6	7	2	2	8	10
4	-	-	6	8	2	2	8	10
5	-	-	6	5	1	2	7	7
6	-	-	-	-	2	2	2	2
Total	10	7	26	42	9	9	45	59

Other changes to the approved design are listed below.

- Basement Floor:
 - Waste room is relocated to be adjacent to the eastern lift.
 - Storage areas replace two plant rooms and a sprinkler booster room.
 - Bicycle parking spaces are increased from 6 spaces to 20 spaces.
 - Car spaces are reduced from 47 to 45 spaces (10 accessible).
- Ground Floor:
 - Residential car spaces are reduced from 18 to 16 spaces (2 accessible).
 - The garbage holding room replaces the approved store room.
 - Retail spaces are unchanged.
- Upper Ground Floor:
 - Seventeen car spaces are proposed.
- For levels 1 to 6 the apartments are extensively reconfigured. Major changes are listed below and details with respect to the apartment mix are described in [Modification Under s75W](#).
- Level 1:
 - Apartments 102 and 103 replace the void area.
 - Apartment 115 replaces the gym.
- Level 2:
 - Apartments 202 and 203 replace the indoor swimming pool area.
 - Apartment 215 replaces the community room.
- Level 3
 - A swimming pool and sunbathing area is proposed in the south eastern corner of the development.

To accommodate the changes in a coherent manner, the residential apartments were renumbered (Table 2). For the remainder of this report, the residential apartments will be referred to their numbering as proposed under s75W.

Table 2. Residential numbering as approved and the numbering under s75W.

Approved Apartment Number	Proposed Apartment Number	Approved Apartment Number	Proposed Apartment Number
1:01	101	2:01	201
-	102	Indoor swimming pool area	202
-	103	Indoor swimming pool area	203
1:11	104	2:09	204
1:10	105	2:08	205
1:09	106	2:07	206
1:08	107	2:06	207
1:07 (lower)	108	2:06 & 1:07 (upper)	208
1:06 (lower)	109	1:06 (upper) & 1:07 (upper)	209
1:05 & 1:06	110	2:05 & 1:06 (upper)	210
1:05	111	2:05	211
1:04	112	2:04 & 2:05	212
1:03	113	2:03	213
1:02	114	2:02	214
Gym	115	Community room	215
3.01 & 3.02	301	4:01 & 4:02	401
3.01	302	4:01	402
3.08	303	4:08	403
3.07	304	4:07	404
3.06	305	4:06	405
3.06	306	4:06	406

Approved Apartment Number	Proposed Apartment Number	Approved Apartment Number	Proposed Apartment Number
3.04	307	4:04	407
3.04 & 3.03	308	4:04 & 4:03	408
3.03	309	4:03	409
3.05	310	4:05	410
-	Swimming pool area		
5.01	502	5:07	503
5.02	501	5:06	504
5.03	507	-	601
5.04	506	-	602
5.05	505		

The matters assessed under this s75W application are of no significant environmental impact and the development as amended is substantially the same development as the approved development. Accordingly, the matter may be determined in accordance with s75W of the EP&A Act granted by the DoP on 24 November 2010 and subsequently amended.

Purpose

The purpose of this report is to:

1. Assess the proposal against all relevant statutory controls;
2. Consider whether the proposal is acceptable within the existing and likely future built form of the area;
3. Consider whether the proposal is acceptable within the context of the applicable planning controls; and,
4. Address all significant environmental and external impacts where applicable.

Key Considerations

1. Gosford Local Environmental Plan 2014
2. Gosford Development Control Plan 2013
3. SEPP No. 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide
4. SEPP (Building Sustainability Index: BASIX) 2004
5. Those matters for consideration identified under s75W of the EP&A Act.

Proposal

The following objectives were considered in designing the proposed development:

1. The relevant statutory and discretionary controls in the Gosford LEP, the Gosford DCP respectively and other relevant policies.
2. To ensure that the proposed mixed use is complementary to the surrounding land use pattern.
3. To develop a design that is consistent with the desired future built form outcomes for the area.
4. To provide a high quality development in a manner that makes a positive contribution to the character and built form of the area.
5. To maximise the development potential of the site, given its proximity to the Ettalong retail area and the local beach.
6. To establish a commercially viable mixed used development that is compatible and appropriate for the area.

Site and its Context

The site is located in the suburb of Ettalong Beach, some 20km south of Gosford at the southern end of the Woy Woy Peninsula on Brisbane Water. The subject site is roughly square and is legally described as Lots 111, 112, 113, 114, 115 and 116 DP 10650. The address of the subject site is, 47 - 50 The Esplanade, Ettalong Beach.

The site fronts The Esplanade and is bounded by Memorial Avenue to the west and an unnamed service road to the north. The site is relatively flat; having at most a slight fall south toward Ettalong Beach. The site is currently occupied by a large ground level car park.

Adjacent to the site on Memorial Avenue is the Ettalong Diggers Club and Mantra Resort; a mixed use development offering a combination of hotel accommodation, hospitality and retail activities. East of the site is the Ettalong Beach Motel; a two-storey mixed use development offering hotel accommodation and hospitality. Beyond the immediate area of the site are a variety of uses including older style low density community based retail and commercial development, as well as long term vacant land.

Background

This proposal was prepared having regard to Part 3A of the EP&A Act 1979. In 2005, the original proposal for the development was initially lodged with Gosford City Council. However, on the advice of Gosford City Council the application was withdrawn on 2nd October 2007. The proposal was subsequently submitted to the DoP under the Major Projects SEPP to which Part 3A of the EP&A Act applies.

On 24 November 2010 the proposal was approved by the DoP under Part 3A of the EP&A Act (MP 09_121). This proposal sought to develop a mixed use residential building over two stages. Stage 1 involved the construction of a 7-storey mixed use residential building and Stage 2 sought to construct a 2-storey commercial-retail building.

Under s75W this SEE seeks approval for modifications to Stage 1 of the development.

Modification Under s75W

As Table 1 in the Introduction indicates, the number of apartments in the proposal would increase from 45 to 58; the largest increase being 2-bedroom apartments. All the apartments are single storey and endeavor to take advantage of the amenity of the location. That is, being on the beach front with access to sunlight, sea breezes and iconic views. Table 3 describes the main changes for each apartment.

Table 3. A comparison between the approved apartments and apartments under the proposed development.

Proposed Apartment Number	Approved Apartment Number	Approved Number of bedrooms	Proposed Apartment type	Proposed GFA (m ²)	Proposed Adaptable Apartment (Y/N)
Level 1					
101	1:01	2-bedroom	3-bedroom	91.48	N
102	-	-	2-bedroom	83.56	Y
103	-	-	2-bedroom	83.57	Y
104	1:11	2-bedroom	2-bedroom	89.64	N
105	1:10	1-bedroom	2-bedroom	78.79	N
106	1:09	1-bedroom	2-bedroom and study	80.66	N
107	1:08	2-bedroom	2-bedroom	84.33	N
108	1:07 (lower)	2-bedroom	2-bedroom	78.85	N
109	1:06 (lower)	2-bedroom	1-bedroom	52.20	N
110	1:05 & 1:06	2-bedroom	1-bedroom	51.76	N
111	1:05	3-bedroom	2-bedroom	102.28	N
112	1:04	1-bedroom	2-bedroom	75.91	N
113	1:03	1-bedroom	2-bedroom.	75.69	N
114	1:02	1-bedroom	1-bedroom	55.46	Y
115	Gym	-	2-bedroom	80.49	N
Level 2					
201	2.01	2-bedroom	3-bedroom	99.72	N
202	Indoor swimming pool area	-	2-bedroom	83.56	Y
203	Indoor	-	2-bedroom	83.57	Y

Proposed Apartment Number	Approved Apartment Number	Approved Number of bedrooms	Proposed Apartment type	Proposed GFA (m ²)	Proposed Adaptable Apartment (Y/N)
	swimming pool area				
204	2.09	2-bedroom	2-bedroom	97.63	N
205	2.08	1-bedroom	2-bedroom	78.94	N
206	2.07	1-bedroom	2-bedroom and study	80.65	N
207	2.06	2-bedroom	2-bedroom	84.33	N
208	2.06 & 1.07 (upper)	2 x 2 - bedroom	2-bedroom	78.36	N
209	1.06 (upper) & 1.07 (upper)	2 x 2- bedrooms	1-bedroom	52.20	N
210	2.05 & 1.06 (upper)	2-bedroom	1-bedroom	54.65	N
211	2.05	3-bedroom	2-bedroom	101.93	N
212	2.04 & 2.05	1-bedroom & 3-bedroom	2-bedroom	75.91	N
213	2.03	1-bedroom	2-bedroom	75.69	N
214	2.02	1-bedroom	1-bedroom	55.43	Y
215	Community room	-	2-bedroom	80.49	N
Level 3					
301	3.01 & 3.02	2-bedroom each	3-bedroom	95.40	N
302	3.01	2-bedroom	2-bedroom	81.25	Y
303	3.08	2-bedroom	2-bedroom	81.26	Y
304	3.07	2-bedroom	2-bedroom	94.53	Y

Proposed Apartment Number	Approved Apartment Number	Approved Number of bedrooms	Proposed Apartment type	Proposed GFA (m ²)	Proposed Adaptable Apartment (Y/N)
305	3.06	3-bedroom	1-bedroom	64.29	N
306	3.06	3-bedroom	2-bedroom	90.95	N
307	3.04	3-bedroom	2-bedroom	92.72	N
308	3.04 & 3.03	3-bedroom & 2-bedroom	2-bedroom	90.31	N
309	3.03	2-bedroom	2-bedroom	83.54	N
310	3.05	2-bedroom	3-bedroom	104.51	N
Swimming pool area	-	-	-	-	-
Level 4					
401	4.01 & 4.02	2-bedroom each	3-bedroom	98.17	N
402	4.01	2-bedroom	2-bedroom	83.32	Y
403	4.08	2-bedroom	2-bedroom	83.33	Y
404	4.07	2-bedroom	2-bedroom	97.48	N
405	4.06	3-bedroom	2-bedroom	79.98	N
406	4.06	3-bedroom	2-bedroom	84.36	N
407	4.04	3-bedroom	2-bedroom	92.72	N
408	4.04 & 4.03	3-bedroom & 2-bedroom	2-bedroom	90.31	N
409	4.03	2-bedroom	2-bedroom	83.33	N
410	4.05	2-bedroom	3-bedroom	104.51	N
Level 5					
501	5.02	2-bedroom	3-bedroom	99.86	N
502	5.01	2-bedroom	2-bedroom	83.32	Y

Proposed Apartment Number	Approved Apartment Number	Approved Number of bedrooms	Proposed Apartment type	Proposed GFA (m ²)	Proposed Adaptable Apartment (Y/N)
503	5.07	2-bedroom	2-bedroom	83.33	Y
504	5.06	2-bedroom	2-bedroom	97.48	N
505	5.05	3-bedroom	3-bedroom	132.43	N
506	5.04	2-bedroom	2-bedroom and study	98.16	N
507	5.03	2-bedroom	2-bedroom and study	98.60	N
Level 6					
601	-	-	3-bedroom and study	172.25	N
602	-	-	3-bedroom and study	159.88	N

Gosford Local Environmental Plan 2014

The Gosford LEP does not apply to the subject DA as a Part 3A assessment. Notwithstanding, the table below describes the relevant matters for consideration under the Gosford LEP.

The site is in a 'Local Centre Zone' (B2) under the Gosford LEP 2014 and is 'permitted with consent' (Table 4). With the exception of height controls and FSR, this SEE complies with all relevant statutory controls in the LEP.

Table 4. Planning controls in the Gosford LEP 2014.

Aspect	Detail	Assessment
Land Use Zoning	Local Centre (B2)	Permitted with consent
Building Height	Maximum building height is 11.5m Maximum Building Height: RL = 26.4 (Drawing number: DA 300) Absolute Ground Level: RL = 4.0 Building Height is: 26.4 – 4.00 = 22.4m	Does not comply See Changes to the GFA and FSR for discussion

Aspect	Detail	Assessment
Floor Space Ratio	Area designated as 'N' (Map Index, Gosford LEP 2014), therefore the FSR is 1:1	Does not comply
Heritage	No heritage items are recorded within sight of the proposal site and the site is not within a Heritage Conservation Area.	Not applicable See Height Exceedance for discussion
Flood planning	The site is not within a flood planning area.	Not applicable
Acid Sulphate Soils	The subject site is within Class 3 Acid Sulfate Soils and borders Class 5 Acid Sulfate Soils. The site is also within 500m of Class 2 and 4 Acid Sulfate Soils. As the proposal is already approved, it is assumed that best practice management for acid sulfate soils would be implemented as part of the approval.	Can comply

Changes to the GFA and FSR

Under the Gosford LEP, the maximum FSR allowable on the site is 1:1. Despite the noncompliant FSR, being 2.5: 1 (rounded from 2.505), the DoP approved the proposal under Part 3A of the EP&A Act.

Under s75W the proposed FSR is 2.6:1 (rounded from 2.63). This is because the proposal would increase the GFA by 277m² and the FSR would increase by 0.126:1 to become 2.6:1. Details of the approved and proposed GFA are in

Table 5.

While the maximum allowable FSR is exceeded, the Gosford LEP does not technically apply to the development as a Part 3A assessment, and the FSR is only marginally increased by 0.1:1 as part of this application.

Justification

The proposed FSR seeks to provide sufficient floor space to meet anticipated development needs for the foreseeable future and to regulate the density of development and built form. The proposal achieves these objectives by seeking to maximise the efficient use of floor space, while maintaining the building envelope and ensuring that the new development reflects the desired character of the locality in which it is located. While the proposed FSR exceeds the Gosford LEP, it does meet the aims of the FSR as specified in cl. 4.4 of the LEP.

Under s75W approval is sought for an FSR of 2.63:1.

Table 5. The existing, approved and proposed GFA and FSR.

Floor	Approved GFA (m2)	Proposed GFA (m2)
Ground Level	649.33	621.55
Level 1	983.35	1200.79
Level 2	1190.60	1204.61
Level 3	859.78	900.47
Level 4	859.78	911.32
Level 5	719.04	698.32
Level 6	331.48	333.38
Total GFA	5593.37	5870.46
Site area	2, 232	2, 232
FSR	2.5:1	2.626:1

Height Exceedance

Under the Gosford LEP 2014, the maximum allowable height on the site is 11.5m within a Local Centre (B2) zone. The DoP originally approved the proposal at 23.5m in height under Part 3A of the EP&A Act. Under this s75W, the proposed height is reduced in height by 1.1m to 22.4m.

Justification

While the proposed height does not comply with the height control as specified in the Gosford LEP, the overall bulk, scale and density of the development is appropriate as it:

- Will provide a suitable transition in height and mass from the neighbouring 9-storey 'Outrigger Building' to surrounding low level developments.
- Presents a 'pedestrian scale' (3-storeys) along The Esplanade and Memorial Avenue. As subsequent storeys are setback from the streets, this design complies with the height controls for properties fronting The Esplanade.
- Responds to the desired future character of Ettalong which is consistent with the Gosford LEP.
- Will not result in significant adverse impacts on the amenity of neighbouring properties or areas of public space with respect to overshadowing or privacy.
- The proposal will maintain view sharing opportunities by providing view sharing corridors east and west of the proposed development.

- The irregular setbacks of the individual apartments which contribute to the building façade will provide a fine grain to the development that mitigates any sense of building bulk in the locality.

As the Director-General for the DoP stated in the original assessment report; *“it is considered that non-compliance is acceptable and full compliance of the height controls would have little appreciable benefit in preserving the visual amenity of the surrounding area.”*

Gosford Development Control Plan 2013

Off-street Car Parking Provisions

Under the *Gosford Development Control Plan 2013*, provisions for off-street car parking apply where a development occurs and a need for on-site car parking is created.

The off-street car parking requirements applicable to the proposal are in Table 6. The total number of proposed car spaces exceeds the minimum requirements by 3 spaces as defined under the Gosford DCP (Table 6). With the exception of accessibility, which does not meet the minimum requirements by one car space, car parking for ‘retail commercial’ areas and the number of car spaces for ‘shop-top housing’ complies with the requirements of the Gosford DCP.

On balance, the proposed number of car spaces and their type complies with the Gosford DCP.

Table 6. The off-street car parking requirements for the proposal.

Applicable Control	Rate	Required car spaces	Proposed car spaces
Shop top housing	1 space per dwelling	59	61
Retail Commercial area on ground floor	1 space per 30m ² GFA (assuming shops would occupy the retail commercial spaces) Total GFA: 512.28m ² 512.28/30 = 17.076 spaces	17	17
Total number of car spaces		75	78
Total number of accessible car spaces (as a fraction of the total car spaces).	7.1.2.7 Car parking for Persons with Disability: 1 per 100 spaces 1/78	1	Residential: 12 Commercial: 0

State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development

SEPP 65 (as amended on 17 July 2015) applies to residential flat buildings, mixed use developments with a residential component and shop top housing. This policy applies when these types of development are at least 3-storeys excluding basements and contain at least 4 dwellings.

The aim of the policy is to improve the design quality of residential flat developments and ensure that developments are socially and environmentally sustainable, are a long-term asset to their neighbourhood, achieve the urban planning and design policies for their locality, are better designed to improve their appearance, contribute positively to the streetscapes and public spaces they are near, and provide for demand, resident's needs, amenity, safety and security.

The amended policy now includes 9 Design Quality Principles, which are satisfied by this proposal as set out in the SEPP 65 Design Verification Statement which was prepared and accompanies this DA.

Apartment Design Guide

SEPP 65 is supported by the Apartment Design Guide (ADG) which must be considered by consent authorities when determining DAs.

As the proposal has already been approved (MP 09_0121), only certain aspects of the ADG are considered. Table 7 sets out the details for compliance against the ADG on matters concerning solar access, ventilation, accessibility, apartment size and open space, ceiling height and storage requirements. A Design Verification Statement was also prepared and accompanies this DA.

The proposal meets the requirements of the ADG with regard to solar access, accessibility, minimum ceiling height and apartment sizes. Aspects that do not comply are deep soil zones, private open space (for one apartment), natural ventilation to the kitchen, communal open space and habitable room depth for single aspect apartments. These matters are discussed in Table 7.

Overall, the proposal is considered to be a good quality design that will be socially and environmentally sustainable and a long term asset to the surrounding area, achieving an appropriate future character for the site. It will also provide an appropriate architectural composition that is aesthetically pleasing and generally complies with the relevant design code controls.

Table 7. ADG compliance

SEPP 65	Percentage of apartments	Description	Target number of Apartments	Proposed number of Apartments	Compliance
Overall Sunlight Access to Living Rooms & Private Open Space	70%	70% of apartments should receive 2hrs between 9am & 3pm June 10 in Sydney Area	41.3 apartments out of 59	42 out of 59 units (71%) receive 2hrs of solar access	Complies
Natural Cross Ventilation	60%	60% of apartments should be naturally cross ventilated	35.4 apartments out of 59	45 out of 59 (76%)	Complies
South Aspect Units	15%	15% of single aspect apartments (maximum)	A maximum of 8.85 apartments out of 59	6 out of 59 (10%)	Complies
Natural Ventilation to Kitchen	25%	25% of apartments should have access to natural ventilation	14.75 apartments out of 59	14 out of 59 (24%)	Does not comply but deemed acceptable
Accessibility	20%	20% of apartments require barrier free access	11.8 apartments out of 59	13 out of 59 (22%) are accessible	Complies
Deep Soil Zone (DSZ)	-	7% of site area on site. Total Site Area = 2,232m ²	Recommended DSZ = 156.24sqm ²	The proposal falls within a Local Business Centre with ground floor accommodating full site cover of Commercial Uses and associated zones. Alternative forms of planting are provided in raised planters on the street level and level 3. These plantings provide shade and amenity for residents and passers-by on the street level.	Does not comply but deemed acceptable

SEPP 65	Percentage of apartments	Description	Target number of Apartments	Proposed number of Apartments	Compliance
				On level 1, the proposed DSZ (127m ²) is larger than the approved DSZ (213m ²) which represents an improvement in the proposed area of DSZ. While the proposal does not meet the minimum requirements for DSZ, due to the location of the site and its constraints this solution is deemed acceptable.	
Communal Open Space	25%	25% of site area. Total Site Area = 2,232m ²	Recommended COS is 558m ²	<p>Total communal open space is 414m². Common areas in the form of a green space on level 1 is proposed (127m²) and a swimming pool and bathing area (287m²) on level 3 are proposed.</p> <p>The proposed COS on level 3 provides recreational facilities for the benefit of all occupants. This proposed COS incorporates a swimming pool, play area and seating for individuals or groups.</p> <p>Coupled with a high degree of amenity in the common areas which are offset by iconic water views of Ettalong Beach, the allocated COS is deemed acceptable.</p>	Does not comply but deemed acceptable.
Private Open Space	-	Min POS: 4sqm per Studio, 8sqm per 1Bedm, 10sqm per 2Bed, 12sqm per 3Bed Apartment	All apartments to be provided with minimum POS	<p>All apartments to be provided with minimum POS:</p> <p>1 bedroom – 8.01sqm</p> <p>2 bedrooms – 10.48sqm</p> <p>Of the 12 3-bedroom apartments, one apartment has less than 12sqm of POS.</p>	57 / 58 comply. Deemed acceptable

SEPP 65	Percentage of apartments	Description	Target number of Apartments	Proposed number of Apartments	Compliance
				This apartment has 9sqm of POS. It is on level 5 with north and western aspects. The balcony faces north and is adjacent to the living room. This design promotes cross ventilated air flow through the apartment, maximises daylight access into living areas and bedrooms, and extends the living space of the living room area. On balance, the amenity of this apartment is maintained despite the lack of POS.	
Balcony Depth	100%	Minimum of 2m for 1 or 2Bed, 2.4m for 3 Bed	2m	Minimum of 2m provided for 1bed and 2bed and 2.4m for 3bed	Complies
Single Aspect Apartments	-	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	-	<p>Apartments that do not comply are: 113, 114, 112, 108, 213, 214.</p> <p>For these apartments, all the living areas and bedrooms are located on the external face of the building. Sliding glass doors separate balconies to most living areas. Where this is not possible glass doors connect balconies to the bedrooms.</p> <p>This design promotes natural air flows (westerly and southerly breezes) and sunlight into the apartment.</p> <p>The overall amenity of these apartments is further enhanced by the large internal floor space and ample areas of private open space.</p>	6 / 28 apartments do not comply but deemed acceptable
Minimum Ceiling Heights	100%	Heights 2.7m for habitable rooms;	2.7m habitable rooms	Heights 2.7m for habitable rooms; 2.4m non habitable rooms	Complies

SEPP 65	Percentage of apartments	Description	Target number of Apartments	Proposed number of Apartments	Compliance
		2.4m for non- habitable rooms			
Building Depth - Wall to Wall	-	Max. 18m Building Depth Glass line to Glass Line 18m Deep	18m max depth (12-18m preferred)	The internal void breaks up the building depth. The maximum building depth is 17m (Apt 307).	Complies
Building Separation	-	4 Storeys 12m 5-8 Storeys 18m 9 Storeys + 24m	-	The separation follows the predominant neighbour separation as approved	Complies
Minimum Apartment Sizes	-	Studio 35sqm 1 Bed 50sqm 2 Bed 70sqm 3 Bed 90sqm		1 Bed ≥ 50sqm 2 Bed ≥ 70sqm 3 Bed ≥ 90sqm	Complies
Minimum Storage Requirements	-	Studio 4m ³ 1 Bed 6m ³ 2 Bed 8m ³ 3 Bed 10m ³	-	Storage proposed in units and basements – all complying volumes	Complies

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (BASIX SEPP) establishes a scheme to encourage sustainable residential development under which an application for a development consent in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.

The BASIX SEPP aims to ensure that residential development in NSW will reduce water consumption by 40% and energy consumption by up to 40%. The proposal meets BASIX requirements. The BASIX certification for the proposal development under s75W accompanies this DA.

Section 75W Considerations

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

Any environmental planning instrument: The proposed development is permitted in the zone with the consent of Council. With the exception of height and FSR, the proposal meets the objectives of the Gosford Local Environmental Plan 2014.

Any draft environmental planning instrument that is or has been placed on public exhibition: There are no draft plans to be considered

Any development control plan: The proposal accords with the off-street parking provisions of the Gosford DCP. It is considered that the proposal is suitable for the site and will not adversely impact on adjoining properties or the localities.

Any matters prescribed by the regulations: There are no prescribed matters which hinder the development. The proposal is in accordance with the relevant State Environmental Planning Policies.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality: The development will not have an adverse impact on the natural environment, as the subject site is located within an urban environment.

Impact on the built environment: The built form is considered to be in keeping with the existing scale of building and development in the area. The proposed design will contribute towards activating the street frontage in this location.

Social and Economic impacts in the locality: The proposed development will provide for increased housing choice within an area that is a local neighbourhood which is valued for its high level of amenity. It is considered that the proposed development will make a positive contribution to the precinct

The suitability of the site for development: The land is appropriately zoned to permit the development and the development meets the objectives of the zone and the Gosford Local Environmental Plan 2014.

Any submissions made in accordance with this Act or the regulations: Not relevant.

The public interest: The public interest would be served by approval of this amendment. It is considered that the proposed amendment to the approved proposal is consistent with Council and State policies and does not result in any unreasonable impacts. Within the circumstances of this development, it is considered that the amendment is acceptable and should be supported.

Section 75W

In consultation with DoP, it is proposed to modify project approval MP 09_121 under s75W of the EP&A Act.

Based on the proposed apartment designs and changes to FSR and height, the scope and scale of the proposal is not considered to be a significant change and would result in 'minimal or consistent impacts' of the currently approved development.

Key points of consideration are:

- The proposal seeks to maximise the efficient use of floor space while ensuring that the building envelope would be largely unchanged.
- The amenity of the area in the form of sunlight, sea breezes and sea views would remain unchanged.
- The overall bulk, scale and density of the development would not change.
- The proposed height and scale would provide a suitable transition in height and mass from the neighbouring 9-storey 'Outrigger Building' to surrounding low level developments.
- The proposal presents a 'pedestrian scale' (3-storeys) along development on The Esplanade and Memorial Avenue and promoting street level amenity and commercial activity. As subsequent storeys are setback from the streets, this design complies with the height controls for properties fronting The Esplanade.
- Full compliance of the controls would have little appreciable benefit in preserving the visual amenity of the surrounding area.

Conclusion

It is concluded that the proposed modifications would result in a more efficient use of the available floor space, are generally compliant with all key planning controls, notably SEPP 65 and the accompanying Apartment Design Guide. The amendments would result in minor but positive improvements to the design of the building, and would marginally increase the GFA by 277m² and the FSR by 0.126:1 and decrease the height by 1.1m to become 22.4m.

There are no other significant changes to the approved development, and it is considered that the matter being dealt with (under this s75W application) does not increase the potential for adverse environmental impact and the development, as amended, is substantially the same development as the approved development. Accordingly, the matter may be determined in accordance with Section 75W of the *Environmental Planning and Assessment Act 1979*.