**PLANNING PROPOSAL GOSFORD CITY COUNCIL**

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department's *A Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans.*

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the DoP&E.

**Part 1 Objectives or Intended Outcomes**

***s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.***

The objective/intended outcome of the Planning Proposal is to increase the range of sizes of spaces that can be used for the home business use and to more closely align the standards contained in LEP 474 with those of the Gosford LEP 2014 which provides that for all other home businesses within the City the home business component within a dwelling shall not be more than 30 sq.m. in area.

Further, it is proposed to remove the 'business support hub' as the technology has advanced to the point where a business support hub is considered to be now unnecessary. The introduction of the National Broadband, the capacity to Skype and participation in video conferencing etc has negated the need for a dedicated building for a business support hub.

**Part 2 Explanation of Provisions**

***s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.***

The existing clause that applies to the land is shown below with the proposed amended clause shown below it;

Existing clause 7.8   Development at Kings Avenue, Terrigal

*(1)  This clause applies to land at Kings Avenue, Terrigal, being part of Lots 8 and 9, DP 876102, part of Lot 2, DP 1111392, part of Lot 4, DP 37914, part of Lot 1, DP 381971 and part of Lot 202, DP 831864, identified as “Parkside” on the* [*Additional Permitted Uses Map*](http://www.legislation.nsw.gov.au/fragview/inforce/epi%2B42%2B2014%2Bpt.7-cl.7.8%2B0%2BN?tocnav=y)*.*

*(2)  Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that adequate provision will be made for a home business to be carried out in the dwelling house.*

*(3)  Development consent may be granted to the following development on land to which this clause applies:*

*(a)   development for the purpose of a home business if the gross floor area used for that purpose will be at least 30 square metres, but will not exceed 60 square metres,*

*(b)   development for the purpose of a home business support hub if no more than 600 square metres of floor space will be used for that purpose.*

*(4)  In this clause, home business support hub means a building used for any one or more of the following purposes:*

*(a)   business premises,*

*(b)   child care centres,*

*(c)   community facilities,*

*(d)   function centres,*

*(e)   neighbourhood shops,*

*(f)   office premises,*

*(g)   recreation facilities (indoor),*

*(h)   restaurants or cafes.*

*(5)  This clause prevails over any other provision in this Plan to the extent of any inconsistency.*

Proposed amended clause 7.8   Development at Kings Avenue, Terrigal

*(1)  This clause applies to land at, Terrigal, Part Lot 202 DP 831864, Part Lot 2 DP 1189881 Kings Ave Terrigal, Part Lot 4 DP 37914, Part Lot 2 DP 1111392 Belar Ave Terrigal, Part Lot 1 DP 381971 Picketts Valley Way, Picketts Valley identified as "Kings Ridge" on the* [*Additional Permitted Uses Map*](http://www.legislation.nsw.gov.au/fragview/inforce/epi%2B42%2B2014%2Bpt.7-cl.7.8%2B0%2BN?tocnav=y)*.*

*(2)  Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that adequate provision will be made for a home business to be carried out in the dwelling house.*

*(3)  Development consent may be granted to the following development on land to which this clause applies if:*

*(a)   development for the purpose of a home business if the gross floor area used for that purpose will be at least 10 square metres, but will not exceed 60 square metres,*

 *(4)  This clause prevails over any other provision in this Plan to the extent of any inconsistency.*

***s.55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.***

No mapping changes apply to this Planning Proposal.

**Part 3 Justification for objectives & outcomes**

***s55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).***

**Section A Need for the Planning Proposal**

**1 Is the Planning Proposal a result of any strategic study or report?**

There are no strategic studies that have been completed to support the Planning Proposal.

**2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal is the best means of achieving the objectives/intended outcomes. The proposed rezoning is the only mechanism that will increase the range of sizes of spaces that can be used for the home business use and to more closely align the standards contained in LEP 474 with those of the Gosford LEP 2014.

The planning Proposal is also the only means by which the home business support hub which is now considered to be redundant can be removed from the LEP that applies to the land.

It is also the only mechanism to correct the Lot and Deposited Plans descriptions as a result of subdivision after the making of LEP 474 and the name of the estate changing as a result of a change in ownership in Clause 7.8(1) of Gosford LEP 2014.

**Section B Relationship to strategic planning framework**

**3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

Regional strategies include outcomes and specific actions for a range of different matters relevant to the region. In all cases the strategies include specific housing and employment targets also. The Central Coast Regional Strategy 2006 – 2031 is applicable to the subject land and the proposed amendments. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of housing and jobs. This Planning Proposal to amend the home business size component of a dwelling plus remove the home business support hub is consistent with the following objectives/actions contained within the Regional Strategy for the reasons specified:

Action 5.1 promote economic and employment growth in the Region to increase the level of employment self containment and achieve capacity for more than 45,000 new jobs on the Central Coast over the next 25 years.

Action 5.3 Councils are to investigate strategies to ensure sufficiently zoned land to enable the provision of comparatively low cost premises for start up businesses.

**3a** **Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of s117 Directions?**

The primary purpose of the strategy is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing needs and promote local employment opportunities over the next 25 years. Approximately 30% of the adult workforce on the Central Coast commutes out of the region for work. A home based business focus is consistent with the objectives of the Regional Strategy. Further, the subject land will meet the future and current need for housing in an appropriate location. The proposed zoning changes will allow housing to be developed whilst ensuring the focus on a home business estate is still achieved. The proposal both encourages home based business and makes future dwelling construction more affordable.

**3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

The Planning Proposal amends existing provisions which were put into place through the making of LEP 474. The above matters were dealt with in the preparation of this LEP.

**4 Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?**

The home business opportunities provided through the Planning Proposal will comply with the following strategies within the Community Strategic Plan.

C1.1 Broaden range of business and industry sectors

C1.2 Pursue new ideas and approaches for business and infrastructure investment

C1.3 Increase and broaden the range of local jobs across existing and emerging employment sectors.

The Planning Proposal amends existing provisions which were put into place through the making of LEP 474. The matters subjects of other local strategies were dealt with in the preparation of this LEP.

**5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies.

**(i) SEPPs applicable:** No State Policiesare applicable to the Planning Proposal.

**(ii) Other SEPPs:** No other SEPP has application to this planning proposal.

**6 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to planning proposals lodged after 1st September 2009. S117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other S117s Directions or they are not applicable.

**3.1 Residential Zones**

**Objectives**

*(1) The objectives of this direction are:*

*(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*

*(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*

*(c) to minimise the impact of residential development on the environment and resource lands.*

***Where this direction applies***

*(2) This direction applies to all councils.*

***When this direction applies***

*(3) This direction applies when a council prepares a draft LEP that affects land within:*

*(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*

*(b) any other zone in which significant residential development is permitted or proposed to be permitted.*

***What a council must do if this direction applies***

*(4) A draft LEP shall include provisions that encourage the provision of housing that will:*

*(a) broaden the choice of building types and locations available in the housing market, and*

*(b) make more efficient use of existing infrastructure and services, and*

*(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*

*(d) be of good design.*

*(5) A draft LEP shall, in relation to land to which this direction applies:*

*(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*

*(b) not contain provisions which will reduce the permissible residential density of land.*

***Consistency***

*(6) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:*

*(a) justified by a strategy which:*

*(i) gives consideration to the objective of this direction, and*

*(ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and*

*(iii) is approved by the Director-General of the Department of Planning, or*

*(b) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or*

*(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*

*(d) of minor significance.*

The Planning Proposal is considered to be consistent with this Direction as there will be no impact on the residential development that was provided for under LEP 474.

**3.4 Integrating Land Use and Transport**

**Objective**

*(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*

*(a) improving access to housing, jobs and services by walking, cycling and public transport, and*

*(b) increasing the choice of available transport and reducing dependence on cars, and*

*(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*

*(d) supporting the efficient and viable operation of public transport services, and*

*(e) providing for the efficient movement of freight.*

***Where this direction applies***

*(2) This direction applies to all councils.*

***When this direction applies***

*(3) This direction applies when a council prepares a draft LEP that creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.*

***What a council must do if this direction applies***

*(4) A draft LEP shall locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*

*(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*

*(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).*

***Consistency***

*(5) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:*

*(a) justified by a strategy which:*

*(i) gives consideration to the objective of this direction, and*

*(ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and*

*(iii) is approved by the Director-General of the Department of Planning, or*

*(b) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or*

*(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*

*(d) of minor significance.*

The Planning Proposal is considered to be consistent with this Direction as the planning proposal will encourage the home business uses which reduce travel to work trips in the area.

**4.4 Planning for Bushfire Protection**

**Objectives**

*(1) The objectives of this direction are:*

*(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*

*(b) to encourage sound management of bush fire prone areas.*

***Where this direction applies***

*(2) This direction applies to all councils that are required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.*

***When this direction applies***

*(3) This direction applies when a council prepares a draft LEP that affects, or is in proximity to land mapped as bushfire prone land.*

***What a council must do if this direction applies***

*(4) In the preparation of a draft LEP a Council shall consult with the Commissioner of the NSW Rural Fire Service under section 62 of the EP&A Act, and take into account any comments so made,*

*(5) A draft LEP shall:*

*(a) have regard to Planning for Bushfire Protection 2006,*

*(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and*

*(c) ensure that bushfire hazard reduction is not prohibited within the APZ.*

*(6) A draft LEP shall, where development is proposed, comply with the following provisions, as appropriate:*

*(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:*

*(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*

*(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*

*(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the draft LEP permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*

*(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*

*(d) contain provisions for adequate water supply for firefighting purposes,*

*(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,*

*(f) introduce controls on the placement of combustible materials in the Inner Protection Area.*

***Consistency***

*(7) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the draft LEP.*

The Planning Proposal is considered to be consistent with this Direction as there will be no change to Bushfire related matters.

 **(i)** **Direction 5.1 Implementation of Regional Strategies:** Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning and Infrastructure.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to section B 3 and 3a above.

**(ii) Direction 6.1 – Approval and Referral Requirements:** Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

**(iii) Direction 6.3 – Site Specific Provisions:** The Planning Proposal is inconsistent with this Direction as it involves a minor amendment to an existing site specific provision that has already been supported by Council and Minister for Planning. The inconsistency is considered to be minor and the inconsistency can be justified.

**Section C Environmental, social and economic impact**

**7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There are no species or habitats affected by the Planning Proposal.

**8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

There are no environmental impacts associated with the Planning Proposal.

**9 How has the Planning Proposal adequately addressed any social and economic effects?**

The changes proposed do not significantly alter the nature of the development proposed The social and economic impacts of the changes proposed to the planning provisions are considered unlikely to alter the social and economic impacts from those applying to the existing planning provisions

**Section D State and Commonwealth interests**

**10 Is there adequate public infrastructure for the Planning Proposal?**

The Planning Proposal will not affect the provision of public infrastructure.

**11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?**

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

**Part 4 Mapping**

***S55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land - a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument.***

Attachment A to this report contains all relevant mapping to the Planning Proposal.

**Part 5 Community Consultation**

***S55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.***

Subject to Gateway support community consultation will involve an exhibition period of between 14 and 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council. A letter will also be sent to the adjoining landowners.

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal;

- indicate the land affected by the planning proposal;

- state where and when the planning proposal can be inspected;

- give the name and address of Gosford City Council for receipt of submissions; and

- indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director-General of Planning;

- the gateway determination; and

- any studies relied upon by the planning proposal.

**ATTACHMENT A – Planning Proposal Mapping - Existing Zoning Map**



**ATTACHMENT B – Planning Proposal Mapping - Aerial Photograph**

****