

**TITLE PLANNING PROPOSAL S55 - PT L202 DP 831864, PT L2 DP 1189881
KINGS AVE, PT L4 DP 37917, PT L2 DP 1111392 BELAR AVE
TERRIGAL, PT L1 DP 381971 PICKETTS VALLEY WAY PICKETTS
VALLEY ALTER LEP HOME BUSINESS ESTATE - STEVENS GROUP
(IR 15858542)**

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act).

“A relevant planning application means: (a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site”, i.e. a Planning Proposal. The object of Section 147 is to require the disclosure by a person of relevant political donations or gifts when a relevant planning application is made to Council per s147 (4).

No disclosure was made by the applicant.

EXECUTIVE SUMMARY

The ‘Parkside Home Business Park’ at Kings Avenue Terrigal was supported by Council and made as an LEP by the State Government in 2012. Accompanying the LEP were a Voluntary Planning Agreement (VPA), Development Control Plan (DCP) and Community Plan (under Community Titles Act) that provided further support for the land’s development as a Home Business Park.

A new landowner has now purchased the majority of the subject properties and wishes to alter some of the components of the LEP as they relate to the home business components of the dwellings in the development and the 'business support hub' proposed for the development.

The changes include, reducing the size of the required home business space within a dwelling from a minimum of 30 sq.m to 10 sq.m. and removal of the home business support hub (600sq.m. of business support floor space within a separate building). It is noted that the business support hub was not a mandatory requirement for the development within the LEP. The floor space requirement though is a development standard for the development within the LEP.

The proposed changes are considered to be reasonable and are supported for forwarding to the Department of Planning and Environment for a Gateway Determination.

BACKGROUND

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (PP) *(which, if supported by Department of Planning and Infrastructure would result in an amending LEP)*, pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

Council considered and approved the rezoning of the land as a 'Home Business Park'. Council supported the Planning Proposal for this land on the basis that a new and innovative approach to development was being proposed and there were significant economic benefits available from this proposal. Council saw that these economic benefits outweighed the loss of threatened species habitat and other environmental issues that had been identified for the Planning Proposal. The State Government agreed with Council on the benefits of the 'Home Business Park' concept. It should be noted that at this time home businesses were not permissible in the general residential zone under the GPSO and IDO that applied at that time.

In its original form, each dwelling in the Park was to contain a dedicated space of between 30m² and 60m² to be used for the home business use. The Gosford LEP 2014 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. The larger floor area proposed for the Parkside Home Business Park home businesses was intended to be reflective of the applicant's commitment to the home business concept.

The Home Business Park was also intended to be provided with a 'business support hub' that was to be a maximum of 600m² in floor area containing services for use by the home business proprietors. Whilst this was the intent there was no mandatory requirement within the final LEP for the support hub. High Speed internet and intranet services were to be made available within the Home Business Park.

The new landowner has indicated that they wish to alter or remove the home business components associated with the planning documents that are attached to the land due to market and technology changes that have occurred since the LEP was made.

It should be noted that due to the size of the subdivision, broadband facilities will be provided

The applicant is proposing the provision of a "Business Development Management Plan" under which an information technology (IT) company will provide IT support services to the estate. This would be mandated within the Community Management Statement for the estate.

The Home Business Park also is to be a community title subdivision. Further, open space areas are to be dedicated to Council for the Coastal Open Space System (COSS) or managed under the community title scheme.

It is also noted that the applicant wishes to alter the reference to name of the estate referred to in the LEP from 'Parkside' to 'Kings Ridge'.

Council at its meeting of 17 December 2013 after considering a report in relation to this land resolved in part;

- A *Invite the landowner to submit a Planning Proposal to amend the requirement for a minimum 30m² home office space within proposed Clause 7.10(3) (a) of the Gosford LEP 2013 and replace with a 10m² minimum.*
- B *Request the General Manager to commence the process of amending the Voluntary Planning Agreement to remove provisions relating to the business support hub and be replaced by the provision of a business development management plan for a information technology company to provide information technology support services to the estate and amend the minimum area requirement for a home business space within a dwelling to be a minimum of 10 m² rather than 30 m², whilst considering other benefits during negotiations.*
- C *The public exhibition of the above amended plans documents occurs concurrently for the prescribed period.*

D A further report be brought before Council detailing the results of the public exhibition.

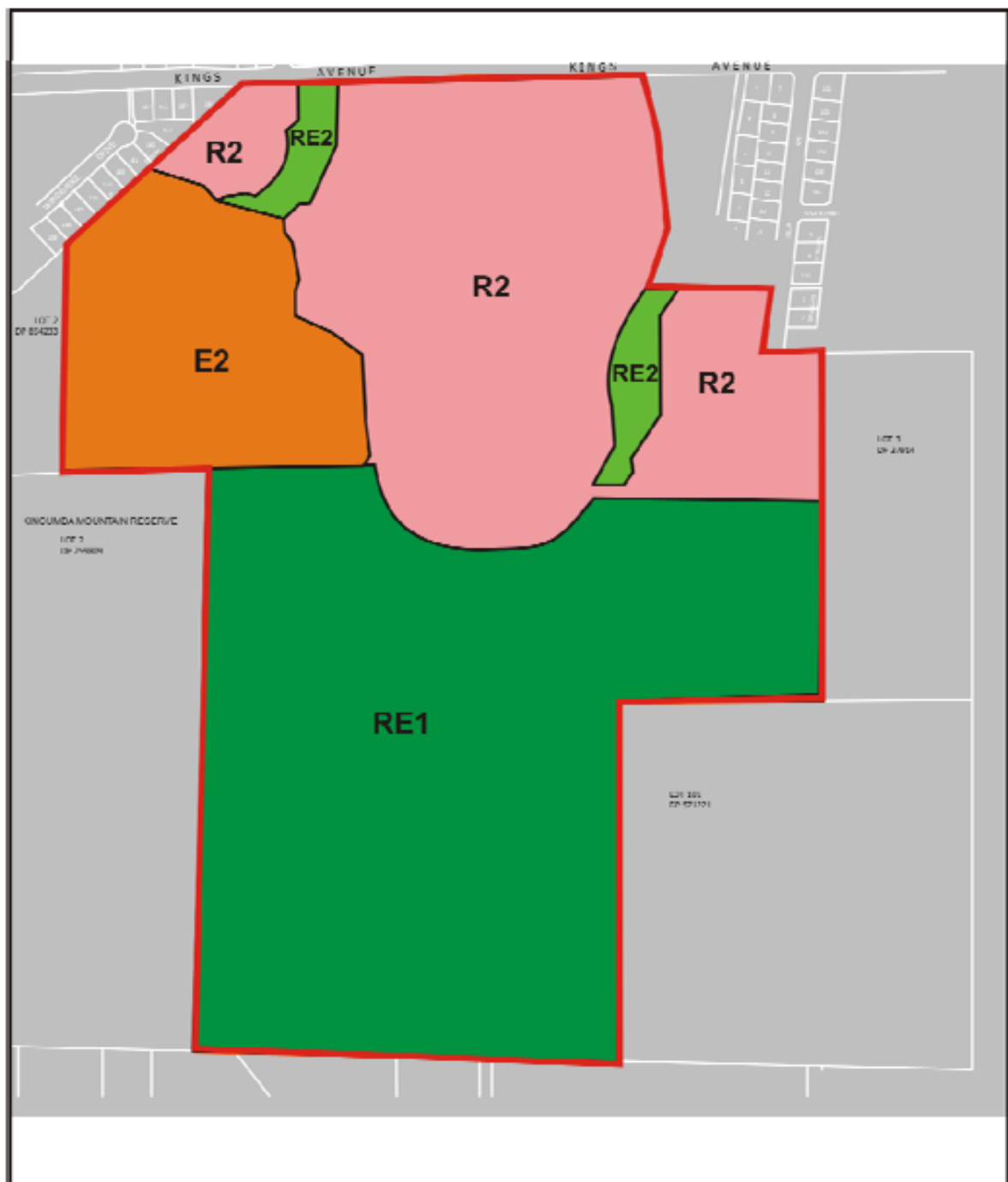
Application Received: April 2014

Environmental Planning Instrument – Current Zone: R2 - Low Density Residential
(adjacent land zones; E2 Environmental Conservation, RE1 Public Recreation & RE2 Private Recreation)

Area: 54.1 ha

Maps:





Recommendation: for support

Landuse History: Not relevant as Planning Proposal relates to a change to existing planning provisions.

Overview of Applicant's Submission:

Council is currently in receipt of a Development Application for subdivision of the land to create 131 residential allotments in a number of stages. A "Masterplan" has been previously approved in conjunction with the original rezoning. This "Masterplan" formed the basis of the

Development Control Plan for Parkside (now Kings Ridge) and envisaged a “Home Based Business Estate” that would incorporate Home Offices and a “Business Support Hub”.

Since the time of the rezoning and the formulation of the DCP technology has advanced to the point where a “Business Support Hub” is an outmoded concept. The introduction of the National Broadband, the capacity to Skype and participate in video conferencing etc has negated the need for a “Business Support Hub” as such.

In light of the above, late last year Council was requested to consider reducing the minimum size for a home office under the LEP and DCP and to amend the Voluntary Planning Agreement (VPA) that had been previously entered into to delete the requirement for a Business Support Hub. As part of this process, Council has been requested to consider the provision of a “Business Development Management Plan” under which an information technology (IT) company will provide IT support services to the estate. This would be mandated within the Community Management Statement for the estate. Council was also requested to reduce the minimum area required for a home business. In this regard, in order for a dwelling to be permitted within the estate, provision was to be made for a 30-60m² area capable of being used for a home business. This was considered unnecessarily large and Council were requested to reduce the required area to between 10-60m². Council agreed to the submission of a Planning proposal to bring into effect these changes and resolved on 17 December 2013 in the manner described above.

The issues raised in the applicant’s submission have been considered in the assessment of the proposal.

‘Gateway’ planning process

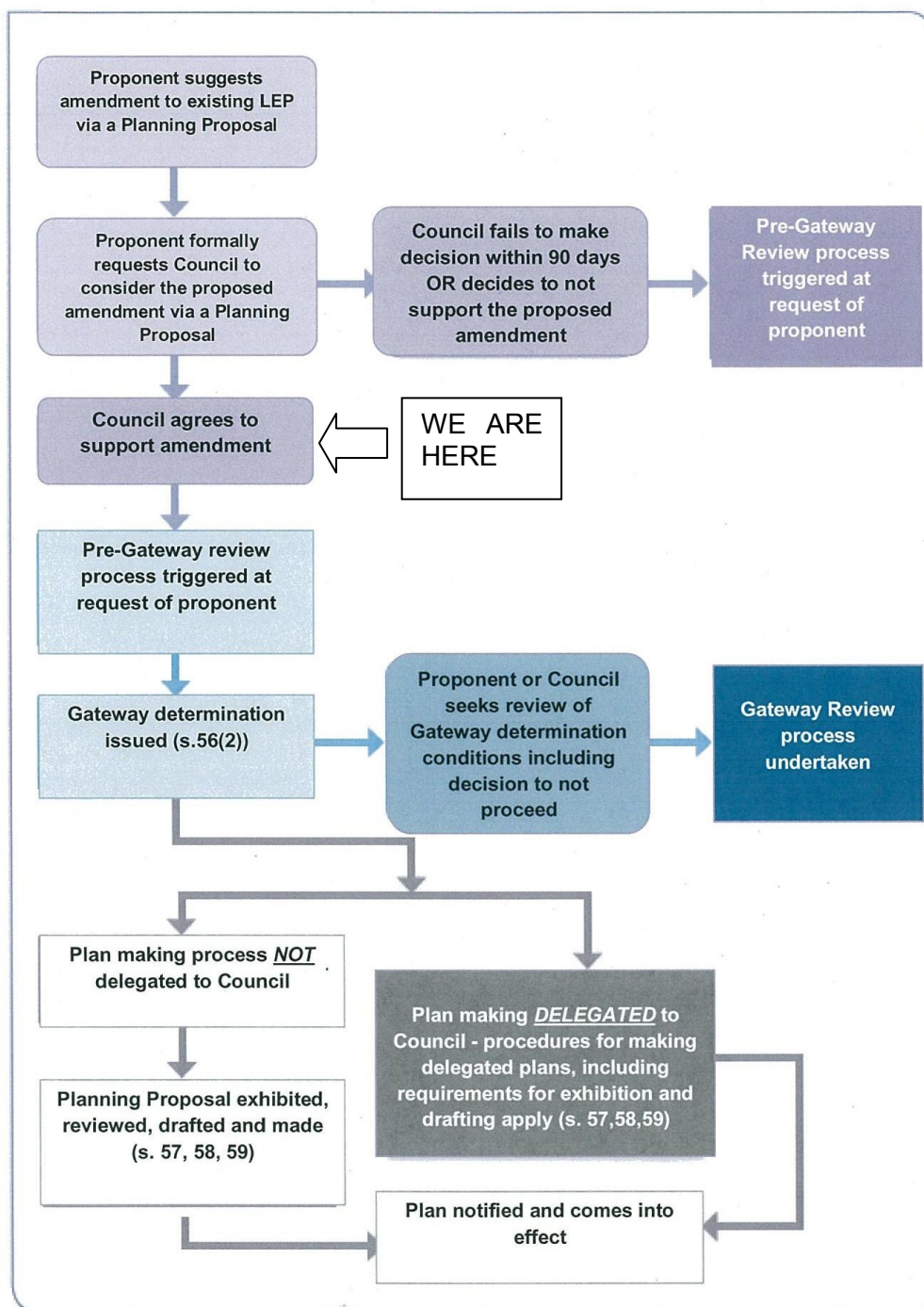
A Local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

A Planning Proposal application is the mechanism by which a LEP is amended.

The aim of the Gateway planning process is to enable early consideration by the Department of Planning and Environment (DoP&E) and if supported then early public consultation. The Gateway process ensures that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. The Gateway therefore acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Certain plan making functions may be delegated by Department of Planning and Environment to Council (see Planning Circular PS12-006).

LEP plan making process



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.*
- (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.*
- (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 Policies are 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.

Other Matters for Consideration

Accompanying the proposed change to the planning provisions will be changes to the Voluntary Planning Agreement (VPA) and the Development Control Plan (DCP) that apply to the land. The changes to these documents will be subject to separate processes.

Conclusion

The proposed reduction in the minimum size of the home business component of a dwelling and the removal of the home business support hub from the planning provisions that apply to the land have been argued by the applicant as appropriate given rapid change in the technology that can be used for operation of a home business.

The applicant is proposing the provision of a “Business Development Management Plan” under which an information technology (IT) company will provide IT support services to the estate. This would be mandated within the Community Management Statement for the estate.

Neither the reduction in the minimum size for the home business component of a dwelling nor the removal of the business support hub raises any major issues in relation to state, regional or local planning. The Planning Proposal has been assessed as being inconsistent with the S117 Direction 6.3 – Site Specific Provisions but this inconsistency can be justified.

The change in the name of the estate as referred to in the LEP from 'Parkside' to 'Kings Ridge' is not objected to.

FINANCIAL IMPACT STATEMENT

The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service.

The recommendation does not impact on Council's financial position.

Attachments: A Planning Proposal Mapping - Existing Zoning Map
 B Planning Proposal Mapping - Aerial Photograph

Tabled Items: Nil

RECOMMENDATION

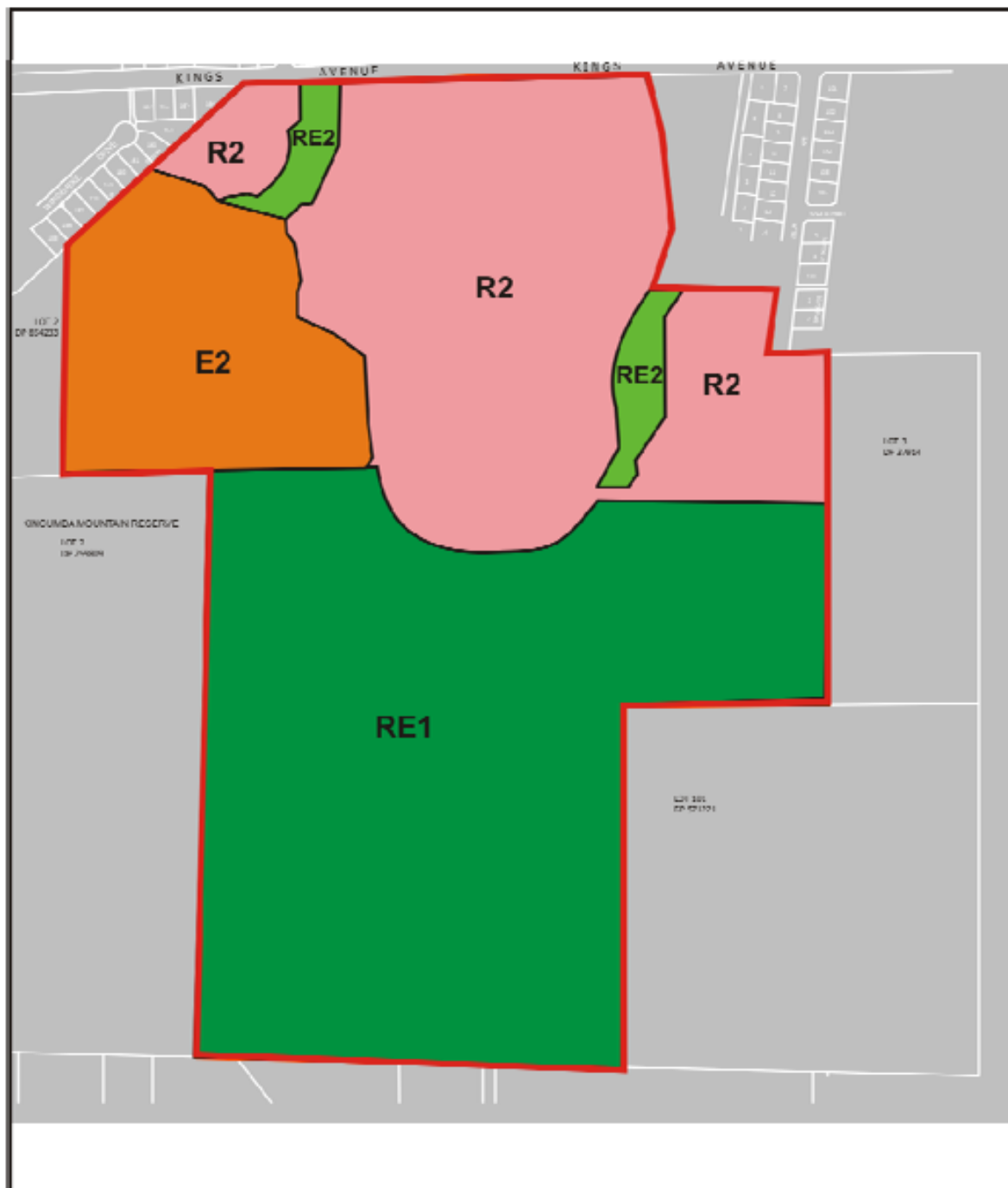
- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report for Part Lot 202 DP 831864, Part Lot 2 DP 1189881 Kings Ave Terrigal, Part Lot 4 DP 37914, Part Lot 2 DP 1111392 Belar Ave Terrigal, Part Lot 1 DP 381971 Picketts Valley Way Picketts Valley to reduce the size of the required home business space within a dwelling from a minimum of 30 sq.m to a minimum of 10 sq.m. with a maximum of 60 sq.m. and removal of the home business support hub (600sq.m. of business support floor space within a separate building). In addition, the name of the estate in the amending LEP be altered from 'Parkside' to 'Kings Ridge'

- B Council notify the Department of Planning and Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report.
- C After public exhibition of the Planning Proposal, should the Minister for Planning support it, if no submissions objecting to the planning proposal are received, the Planning Proposal is to be sent to the Department of Planning and Environment in order to make the plan.
- D The applicant be advised of Council's resolution.
- E Council seeks delegations from the Department of Planning and Environment for this Planning Proposal.

Upon Council receipt of the Department of Planning & Environment's intention to issue delegation, Council will submit to the Department of Planning & Environment a "Written Authorisation to Exercise Delegation" for the same

Any delegation to Council is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.

ATTACHMENT A – Planning Proposal Mapping - Existing Zoning Map



ATTACHMENT B – Planning Proposal Mapping - Aerial Photograph