

## **Parkside@Terrigal**

### **Development Controls and Community structure**

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## **1. INTRODUCTION**

Parkside@Terrigal is a proposed Community Title Home Based Business Park (HBBP). The project is specifically designed for the needs of HBBP users, whether they be those;

1. Running a small business
2. Starting off a small business with a view to growth
3. Winding back a larger business to a self managed size
4. Looking for a lifestyle change through part / full time telecommuting
5. Individuals returning to the work force without severing domestic commitments – such as recent mothers or
6. Semi-retirees looking to remain in private employment on a full or part time basis.

Whilst each of the above groups has slightly different needs, the project seeks as close as possible to fulfil the requirements of each of these user groups.

Most importantly, Parkside doesn't just seek to encourage these user groups to reside within the project, it demands through it's own structure compliance from residents of the project with a number controls which will all bar require residents to be engaged in some form of HBB activity. It is expected that the project will have a take up rate of at least 75% of homes by legitimate HBBP users

The controls referred to above consist of four key mechanisms, below is a general description of these mechanisms and the roles they each play.

| Name                                                  | Description                                                                                                                                              | Nature of control                                   | Approval authority | Enforcement Authority |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------|-----------------------|
| <b>1) Planning Controls</b>                           | a) Zoning                                                                                                                                                | Behavioural and Built Form                          | Council / DOP      | Council               |
|                                                       | b) VPA commitments                                                                                                                                       | Behavioural and Built Form                          | Council / DOP      | Council / Land owner  |
|                                                       | c) Conditions of Consent                                                                                                                                 | Behavioural and Built Form                          | Council            | Council               |
| <b>2) Community Title Structure</b>                   | The Community Management Statement (CMS) sets out a number of By-laws being the rules of operation                                                       | Generally behavioural, but some built form controls | Council            | Community Scheme      |
| <b>3) Architectural and Landscape design Controls</b> | The Architectural and Landscape design Guidelines are empowered by the CMS, a committee is convened within the Community scheme to oversee the operation | Generally Built Form, but some behavioural controls | Council            | Community Scheme      |
| <b>4) Covenants</b>                                   | Instruments such as 88B and 88E.                                                                                                                         | Behavioural and Built Form                          | Council            | Council               |

Collectively, each of these four methods of control are (over and above the usual Planning controls that already exist at the local Govt and State level) are intended to regulate;

1. Behaviour of residents within the development in accordance with the intention of the project, the conditions of consent and in a socially responsible manner to protect the well being of other residents and neighbours.
2. The Built form within the development in accordance with the intention of the project, the conditions of consent and so as not to detract from the amenity of the surrounding neighbourhood.
3. Proper land management practices, through responsible maintenance regimes delivered by funding mechanisms which do not impact upon rate payers.

Each of these four methods of control are set out in the following chapters.

## **1. Planning Controls**

The zoning of the site within the Gosford LEP will provide Council with a degree of security of implementation of the Home Based Business Park Concept.

The Definition of “Home Office” / “Home Business” (contained within the draft instrument brings with it a degree of restrictions which are enforceable by Gosford Council, linked to the uses permissible upon the site.

Refer to the LES for further discussion of LEP and VPA details.

## 2. Community Title Structure

### • What is Community Title?

Community Title is a means of subdividing and titling land and improvements to allow for the individual ownership of some portions of the site (typically being the individual lots) and the communal ownership of other portions of the site (typically being the community amenity areas).

Community Title then provides the mechanism for the raising of, and management of funds (via the Community Levy) from the Community Members in order to cover the cost of management of the Community Assets.

Community Title then provides a lawful mechanism (through the use of By-Laws) to regulate housing types and finishes and some actions of its members for the security and benefit the Community. These By-Laws, once established (upon registration of the subdivision), are enforceable under the Community Land Management Act 1989 and can only be changed by unanimous resolution by all Community Members.

### • What is Proposed at Parkside?

Parkside is proposed to be subdivided under a Community Title Scheme in accordance with the Community Land Development Act 1989. All roads through the development are proposed to be Public, however, all other land and open space within the development will form part of the Community Scheme. The scheme will operate in accordance with the Community Management Statement which contains the 'rules' (by-laws) by which the scheme will operate.

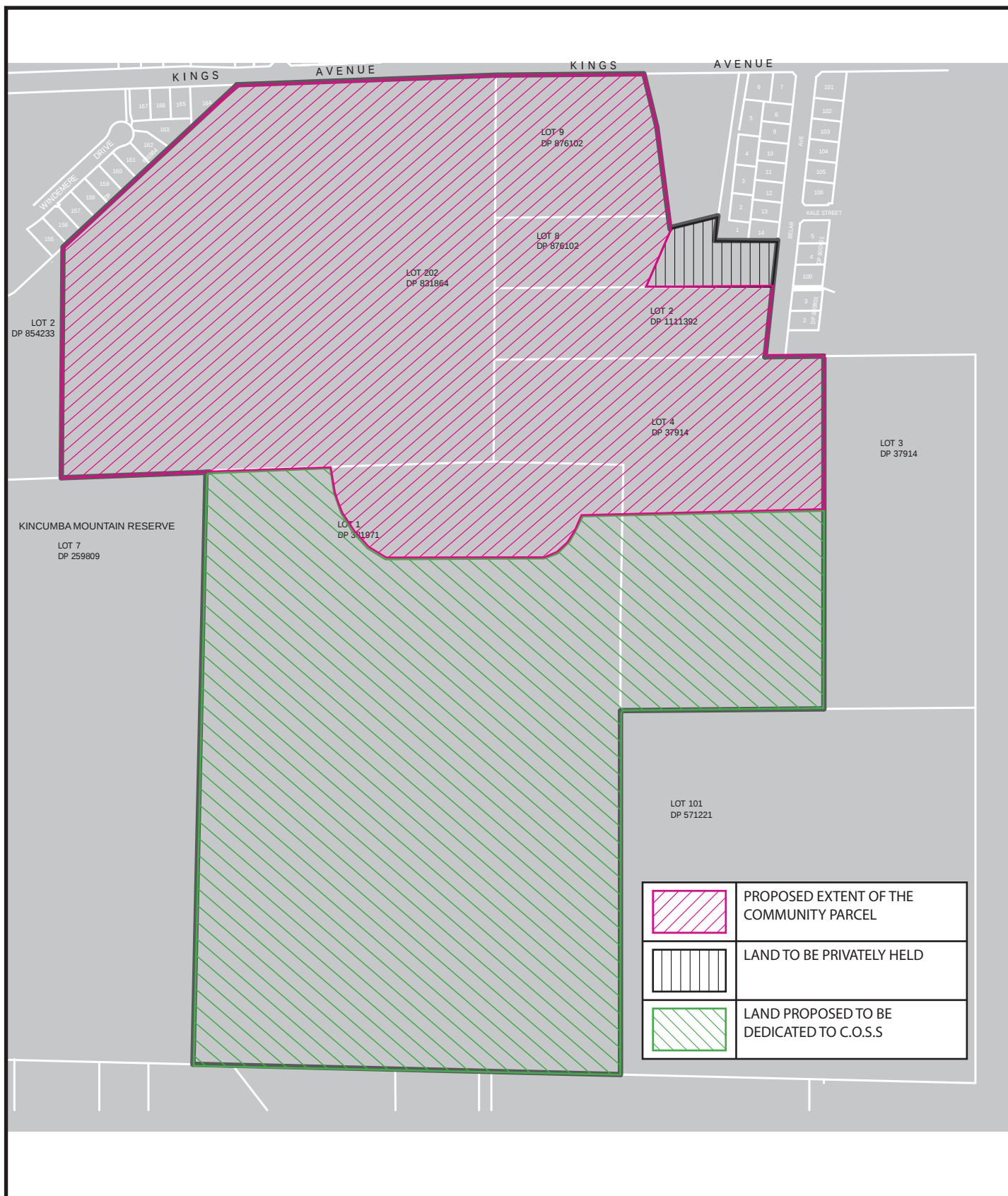
#### 1. Community Property and Special Facilities

The Community Parcel is proposed to include most of the site which is currently zoned 7c2, part of that portion of the site which is currently zoned 2A and part of the site which is currently zoned 7a (refer to Fig 1.0 for detail). Some areas of the existing property will not form part of the community scheme, including the land which is proposed to be dedicated to Council as COSS.

The community Parcel is proposed to be subdivided to form a number of private lots within the Community Scheme as well as a communal lot (Community Association Property) known as Lot 1 within the community scheme. This Community Lot (Lot 1) will be made up of the following;

1. The Riparian Areas – incorporating the Core Riparian Zone (CRZ) and Riparian Buffer areas.
2. The Communal open space areas – incorporating recreational open space adjacent the riparian areas, primary recreational and business open spaces ( site of the business hub and common facilities) as well as the pocket park on top of the ridge.
3. Areas of bushland to be conserved for biodiversity purposes (currently zoned 7c2)

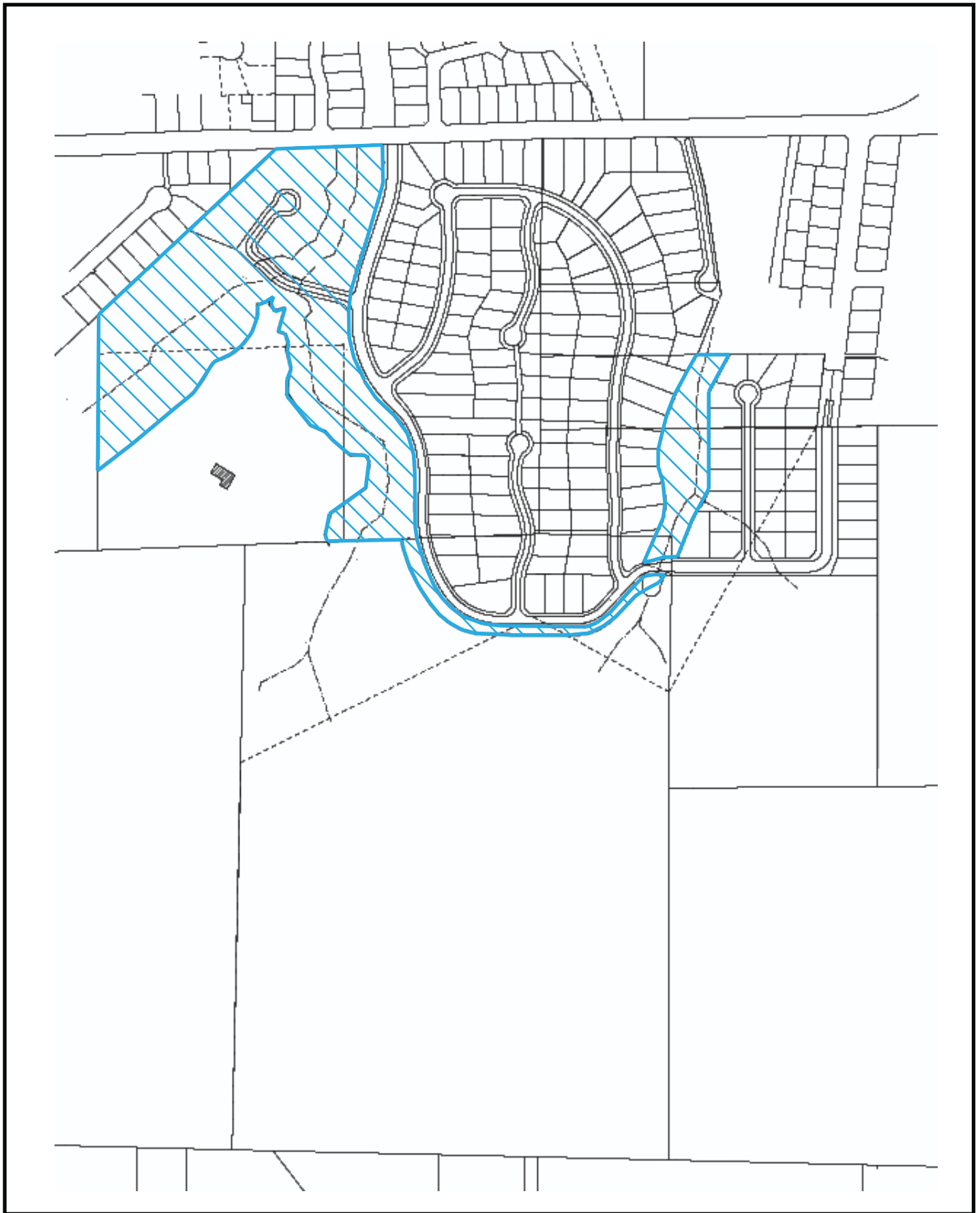
The extent of Community Association Property, land subject to specific management requirements and the Special Facilities Proposed are represented in Fig 1.1 below.



**FIGURE 1.0**

In addition to the ownership and management of open space areas, Community Property is also proposed to include a range of improvements (building works) which will be owned and managed by the Community Association, this Community Property will include;

1. A Business Support Hub facility containing;
  - i. Conference rooms
  - ii. Meeting rooms
  - iii. Office
  - iv. Typing / Facilities area
  - v. Coffee shop
  - vi. Lounge / Multifunction / Function Space
  - vii. Kitchenette
  - viii. Store
  - ix. Toilet Facilities
  - x. Additional residential amenity such as a pool, gymnasium, library, tennis court etc
  - xi. It may even include child minding facilities and children's play areas.
2. High speed communication network consisting of
  - Hub distribution point located within business support hub, containing hardware and software
  - The network of private underground optic fibre communication cables and associated hardware
3. A wastewater reclaim system providing recycled water to all of the homes within the HBBP
4. Outdoor space
5. Water management Ponds and Swales
6. Walkways / Cycleways



AREA PROPOSED TO BE  
LOT 1 (COMMUNITY  
PROPERTY) UNDER  
COMMUNITY SCHEME

Figure 1.1

## 4. General Provisions

The following general provisions will be considered / included within the drafting of the Community Management Statement.

### Access

The following access provisions will apply to users;

| User Group                  | Type of access                    | Facilities                                         | Cost Associated                                                                                                                                                                                        |
|-----------------------------|-----------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| All Community Title members | Unfettered                        | All residential amenity                            | FOC (covered by Levy)                                                                                                                                                                                  |
| All Community Title members | Unfettered                        | All business support facilities and services       | Base level of services FOC (covered by Levy). Specialised services (such as room rental and typing assistance etc. subsidised user pays cover charge (collected on a do and charge basis through levy) |
| General Public              | Unfettered                        | Unstructured open space, cycle ways, walkways etc. | FOC                                                                                                                                                                                                    |
| General Public              | Restricted by area or by occasion | Selected residential and business support amenity. | User pays or on subsidised event basis, such as a visiting speaker etc.                                                                                                                                |

### Maintenance

- Maintenance and upkeep of Community assets will be the responsibility of the Community Association across the board at no cost to rate payers.
- Behavioural provisions will be made to allow for breakage or replacement of damaged / lost items by responsible parties – particularly the HBB support services.
- In addition to general maintenance a sinking fund will also be structured to cover the future cost of upgrades and technological advancement and replacement.
- A maintenance and management plan will be prepared which details the Maintenance and Management requirements of the Community Assets. This plan will form the basis of any sinking fund and future investment schedule.

### Financial Management

- All Community members will be charged a quarterly levy to cover the financial costs of operation of the Community Scheme. This levy covers every thing from maintenance to running costs, insurance to marketing, and technological advancement to consumables.
- It is intended that the base levy will be approximately \$3,200.00 p/a (based on 145 homes) – a major portion of which would likely be tax deductible to any legitimate HBB. Over and above this base levy, specific services will be available on site on a user pays basis.
- It is intended that all user pays services will be accessible by a unique security code device which logs usage (such as a swipe card) for later debiting of the user or adding to the value of the levy
- The Community Association is to be free to generate revenue through it's business activities, which may be returned to its members in the form of a levy subsidy or even a financial return, should one eventuate, such commercial activities may include, the leasing of space, the provision of business support services – such as typing etc, or the holding of an event – such as a conference.

## 5. Specific Provisions

### **Additional Management Plans required**

It is anticipated that the following management plans will be drafted / have been drafted to facilitate ongoing management of the Community assets and scheduling of amenity. These plans will be empowered by Community Management Statement;

- Asset Management Plan – to incorporate;
  - o Water Quality Management Plan – in accordance with the integrated water cycle management plan.
  - o Vegetation / Bushfire Management Plan – in accordance with the BTA and Ecological reports
  - o Asset Maintenance Schedule – to be prepared by a qualified building inspector and Engineers on completion of Civil and Architectural works.
  - o Resource Management Plan – to be prepared which details the ongoing management of the Home Based Business Hub as a resource and considers issues such as staffing, event scheduling, consumables, investments, revenue raising etc.
- Architectural and Landscape Guidelines
- Business Management Guidelines

See appendix 1 for an example of a Community Management Statement that has dealt with similar issues on recent project in the LGA.

### 3. Architectural and Landscape Design and Business Management Controls

#### Architectural and Landscape controls

Architectural and landscape controls will be contained within the “Architectural and Landscape Guidelines”, which will be annexed to the Community Management Statement. The guidelines will set out specific provisions relating to the built environment (over and above those required by Council) designed to;

1. Ensure a HBB is provided in every house.
2. Ensure the quality of the built Environment
3. To protect the amenity of neighbours

The Architectural and Landscape Guidelines are implemented by the Design Review Committee (DRC), which is a sub-committee of the Executive Committee of the Community Association. The Guidelines require all plans for development work to be submitted to the DRC for approval, before being submitted to Council, and again before work commences on site. No building can be built upon the site that has not been approved (stamped and written approval issued) by the DRC.

The DRC will comprise of the developer, during the initial development phase followed by a committee of 4 people;

1. 2 members of the Community Scheme (1 of which will be the developer whilst ever it owns a lot)
2. 1 registered Architect
3. A member of Gosford City Council Planning Dept – whilst ever it chooses to act in this capacity (this could be by a concurrence role)

The Architectural and Landscape Guidelines will be drafted in both a written technical format as well as a graphic representative format, see appendix 2 for an example of Architectural and Landscape Design Guidelines applying to another recent project.

The Architectural and Landscape guidelines will specifically contain requirements relating to the following.

| Category    | Provision                                                                                                                                                                                                                                                                                                              |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Business    | A home office must be provided in each house which;<br><br><ol style="list-style-type: none"><li>1. Is no less than 25 sqm in size</li><li>2. Is no more than 60 sqm in size</li><li>3. Is located at the front of the house</li><li>4. Has a separate front access door</li><li>5. Is not part of a garage.</li></ol> |
| Car Parking | At least one visitor's space, which is not part of a garage or part of an access driveway, must be provided on site.                                                                                                                                                                                                   |
| Car Parking | Houses must be set back at least 7.5m to facilitate off street parking for visitors and staff.                                                                                                                                                                                                                         |
| Signage     | Up to 2 business signs may be located on any lot, not having a combined area of more than 1.0 sqm.                                                                                                                                                                                                                     |
|             |                                                                                                                                                                                                                                                                                                                        |

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### Home Based Business Controls

Business operation controls will be contained within the “Business Management Guidelines”, which will be annexed to the Community Management Statement. The guidelines will set out specific provisions relating to the operational issues of Home Based Business designed to;

1. Ensure an appropriate HBB is provided in every house.
2. To protect the amenity of neighbours
3. To assisting in providing a growth path and transition to a business outside of the HBBP.

The Business Management Guidelines are implemented by the Design Review Committee (DRC), which is a sub-committee of the Executive Committee of the Community Association. The Guidelines will require a business impact statement be prepared and be submitted to the DRC for approval, before business operations can commence on site. No business can operate upon the site that has not been approved by the DRC.

The DRC is the same DRC that over sees the implementation of the Architectural and Landscape Design Guidelines and will comprise of the developer, during the initial development phase followed by a committee of 4 people;

4. 2 members of the Community Scheme (1 of which will be the developer whilst ever it owns a lot)
5. 1 registered Architect / or Business Management consultant at the desgression of the ARC
6. A member of Gosford City Council Planning Dept – whilst ever it chooses to act in this capacity (this can be a concurrence role)

The Business Management Guidelines will be drafted in a written technical format.

The Business Management Guidelines will specifically contain requirements relating to the following;

| Category      | Provision                                                                                                                                                          |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Business Type | Business types must not be offensive (noise, odour, light emittance etc) and consistent with a residential environment.                                            |
| Business Type | No Retail outlets (shops) allowed, so as to limit traffic usage. Some consideration to be given to retail frontage in row of houses adjacent community facilities. |
| Business Type | Single customer service providers such as General Practitioners, Hair Dressers, and Accountants Etc would be permissible.                                          |
| Business Type | No Industrial / semi industrial uses allowed such as panel beaters, engineering, spray painting etc.                                                               |
| Business Type | No businesses, such as where housing etc. which rely upon regular delivery and / or despatch of goods                                                              |
| Parking       | All private vehicles to be contained within the lot.                                                                                                               |

|          |                                                                                                                      |
|----------|----------------------------------------------------------------------------------------------------------------------|
| Parking  | Garages not to be used for business purposes.                                                                        |
| Staffing | A maximum of 2 employees in addition to the home occupants may be employed upon the site.                            |
| Staffing | Any staff vehicle must stand upon the site during business hours.                                                    |
| Sales    | No business is to solicit upon the street, signage is limited to that contained within the Architectural Guidelines. |
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## 4. Covenants

To ensure that the Home Based Business Park is operated under the proposed Community Scheme, the site would be subject to an 88E restriction requiring it to be developed and managed in accordance with the Community Title legislation. In the drafting of this restriction Gosford Council would be the only authority with the power to vary the restriction. In addition to this restriction a range of other restrictions under 88b or 88e would be registered in order to provide an additional level of control over a range of different aspects of the development. Below is a brief description of these restrictions;

| <b>Restriction Type</b> | <b>Description</b>                                                                                                                                        | <b>Burden</b>                                    | <b>Benefit</b>                                             | <b>Authority Empowered To vary</b> |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------|------------------------------------|
| 88E                     | Site to managed as a Community Scheme in accordance with the Community Management Statement                                                               | Entire site                                      | Community Association                                      | Council                            |
| 88B / 88E               | Riparian Corridor to be managed in accordance with the Riparian and Buffer zone Management Plan / Community Association to do the work                    | Riparian Corridors on site                       | Community Association                                      | Council                            |
| 88B / 88E               | Access to lots and Riparian Corridor to be managed in accordance with the Riparian and Buffer zone Management Plan / Community Association to do the work | Riparian Corridors off site (special facilities) | Community Association                                      | Council                            |
| 88B                     | APZs to be managed in accordance with RFS requirements and findings of the BTA                                                                            | APZ on individual lots                           | Individual lot owners / Community Association upon default | RFS                                |
| 88B                     | Management of APZ in accordance with RFS requirements and findings of the BTA                                                                             | APZ on Community Lot                             | Community Association                                      | RFS                                |
|                         |                                                                                                                                                           |                                                  |                                                            |                                    |
|                         |                                                                                                                                                           |                                                  |                                                            |                                    |
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|                         |                                                                                                                                                           |                                                  |                                                            |                                    |

Appendix 1.

Sample Community Management Statement

Appendix 2.

Sample Architectural and Landscape Guidelines.