

Planning Proposal for the Rezoning of

“Parkside@Terrigal”

Gosford City
at
Kings Ave, Terrigal.
January 2011



Background:

Site Description and Context

The Parkside site is located immediately abutting the urban areas of Erina and Terrigal fronting Kings Ave, Terrigal. The site comprises the lots set out below and encompasses an area of 54.1 Ha;

Lot	Deposited Plan
Lot 2	DP 1111392
Lots 8 and 9	DP 876102
Lot 202	DP 831864
Lot 4	DP 37914
Lot 1	DP 381971

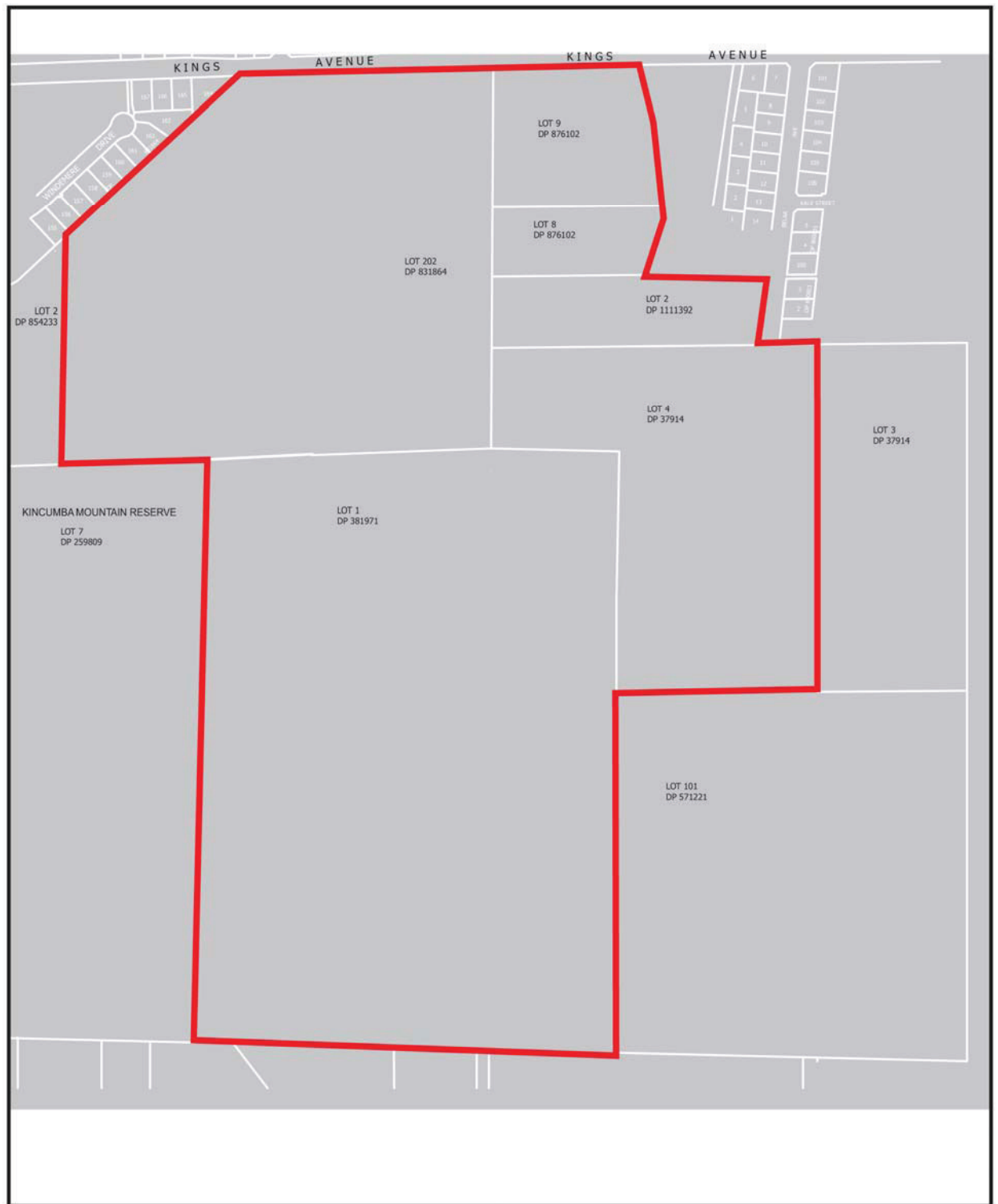
See Figure 1. for existing allotment layout.

The site is currently zoned part 7(c2) Scenic Protection – rural small holdings and part 7(a) conservation, see Figure 2. Current Zoning.

The site consists of some cleared areas, some woodland areas and some forested areas (the forested areas are predominantly within the 7(a) conservation zoned areas).

The site is characterised by a central North/South Ridge running the length of the site, which drains to a Riparian gully in the West and an unformed water course to the East. The site is bounded to the North by Kings Ave (a formed public road) and established residential development beyond, and to the East and West by established residential development. The site is bounded to the South West by the Kincumber Mountain Reserve, and the South and South East by established rural residential development (see Figure 3.).

This Planning Proposal has come about by way of the need to transition to the Gateway Planning system from the existing rezone process, following a Section 54 advice issued on 18th January 2007. The Local Environment Study (LES) prepared for the site supports this Planning Proposal and provides additional information (Refer to Appendix 6 and Appendix 7 of this document).



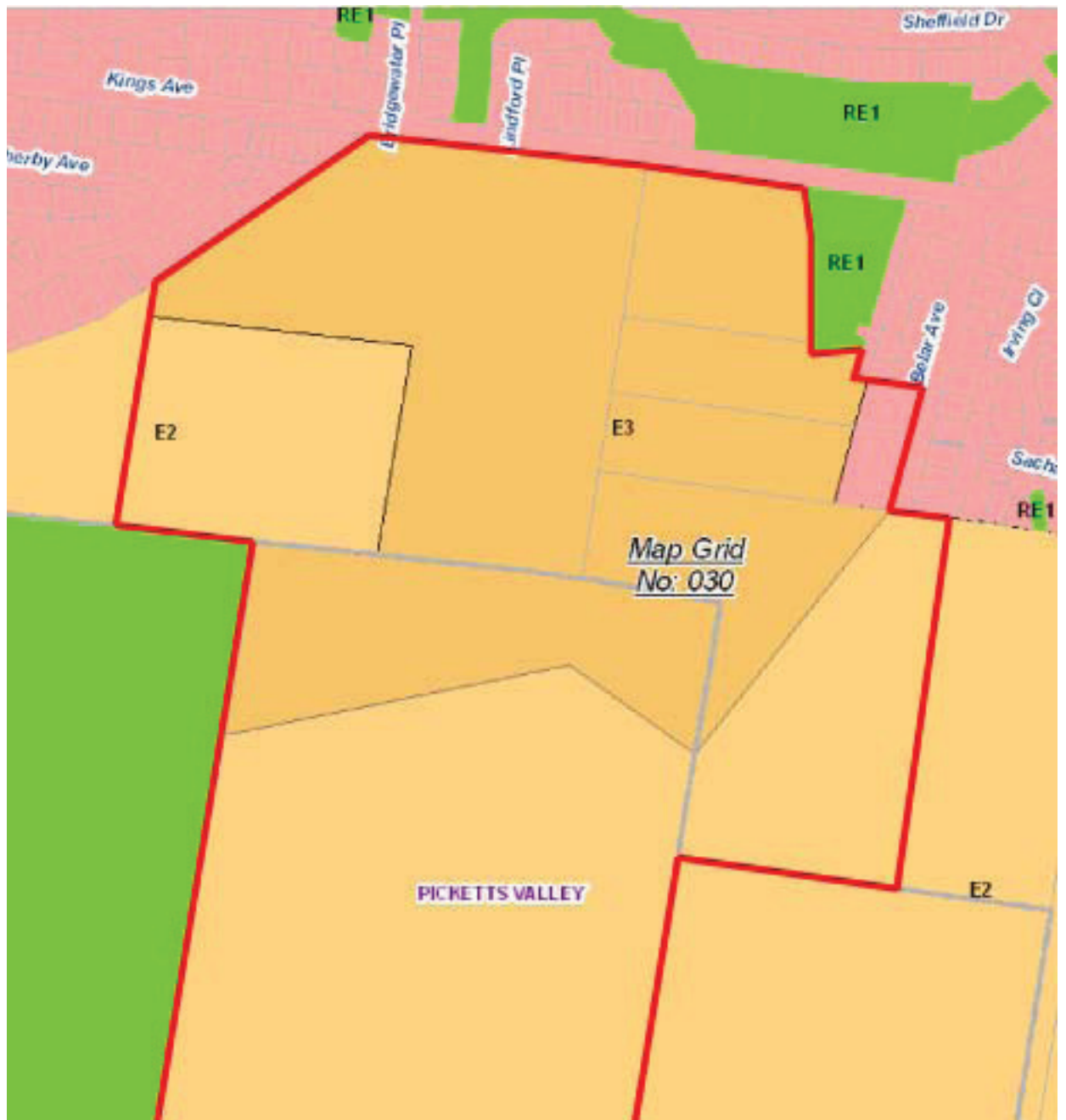


Figure 2. Current zoning.



Figure 3. Site Context

Part 1- Objectives and Intended Outcomes.

The Primary objective of the planning proposal is;

“To enable development of the Parkside site for the purpose of housing and support functions tailored specifically for the establishment of home based businesses upon the site – to create, in essence a Home Based Business Park”

The intended outcomes of the Planning Proposal are:

1. To ensure that the site is developed not just for the purposes of standard residential, but to ensure development establishes and fosters Home Based Business (HBB).
2. To allow for the dedication of a large portion of the site to Council as part of Gosford Council's Coastal Open Space System (COSS).
3. To ensure that suitable recreation and business support amenity is provided on site with any future development.
4. To ensure that areas of conservation significance are protected and properly managed in perpetuity.
5. To ensure that the site is developed under a common scheme (such as Community Title) in order to enforce regulatory controls unique to this development type, and to ensure ongoing management costs (relating to a range of amenities) are internalised within any development.

The concept for development upon the Parkside site following rezoning involves the creation of a Home Based Business Park (HBBP) – consistent with the Concept Plan (see Figure 4.) and Discussion Document (refer to Appendix 1.)

The concept comprises approximately 145 homes (incorporating home offices) as well as a central “business support hub” which contains the commercial support services for the home businesses. In addition to servicing the on site businesses, many of the services offered within the hub would also be available for use by the wider community.

The estate is designed to offer ‘real’ opportunities for individuals to work from home as well as to incubate (and/or sustain) small businesses of up to 4 persons.

Parkside is unique from other ‘broadband serviced’ estates, in that it doesn't just provide the base connectivity for digital communication. Instead, *Parkside* provides the necessary support services, amenities and infrastructure crucial for the successful operation of a small business, including meeting rooms, catering facilities, clerical and business support services.



Figure 4. Proposed Concept Plan

Part 2- Explanation of the Provisions

Summary of Proposed Changes to draft Gosford Local Environmental Plan 2009

In order for the site to be developed in the manner proposed, the rezoning needs to provide for an amendment to the GLEP 2009 to allow for:

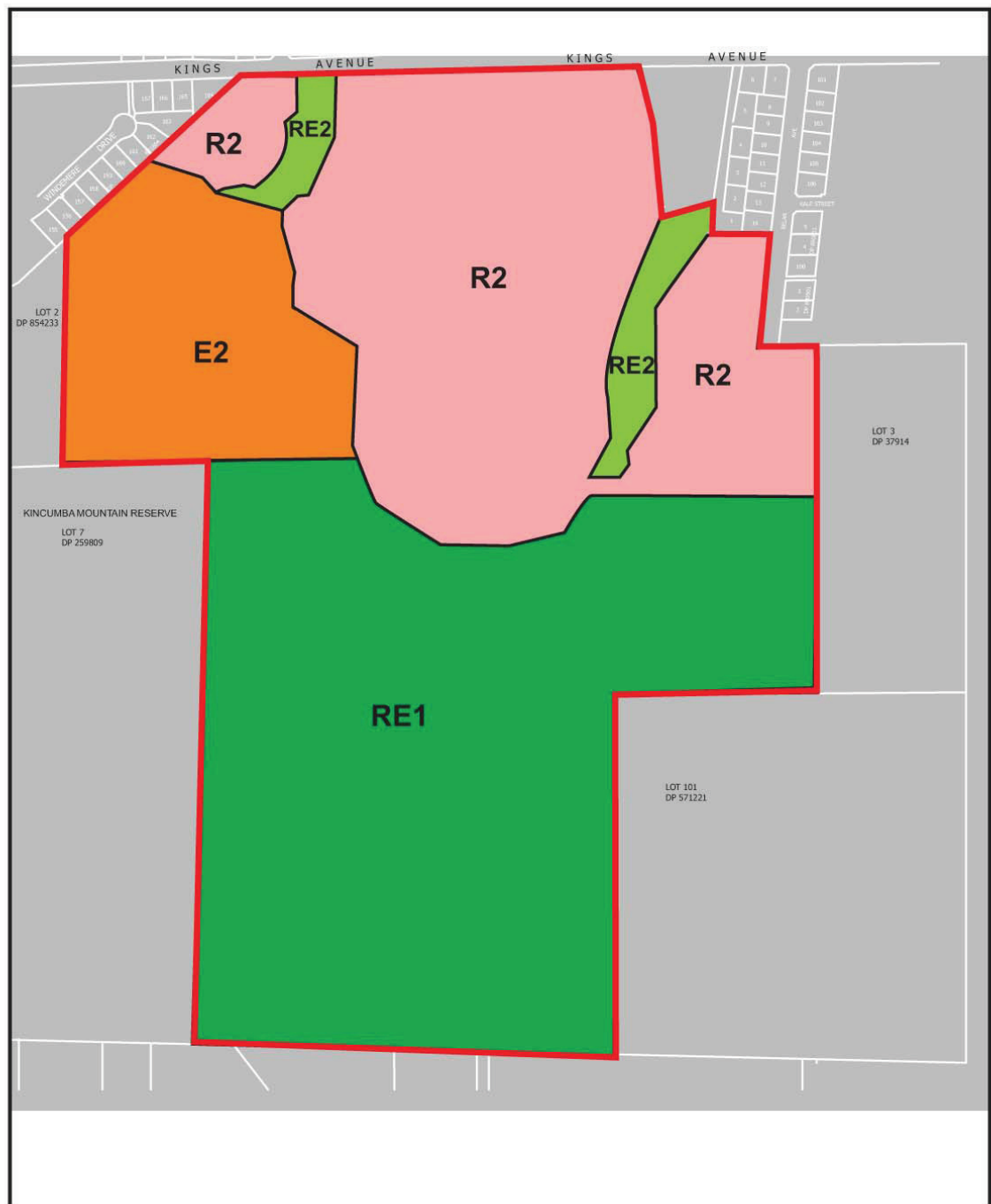
- appropriate zonings which reflect environmental values and broader usage patterns intended within the site;
- a wider range of land use types to be permissible in the zone with consent;
- subdivision of land into a range of lots sizes, arranged in a manner that addresses site constraints and opportunities; and
- varying densities of development on the newly created lots.

In this regard, the following amendments to draft GLEP 2009 are sought (refer to Figure 5 for a graphical representation of the proposed changes):

- sensitive environmental areas across the site which are to be dedicated to Council and will become part of the Coastal Open Space System, are to be rezoned to RE1 *"Public Recreation"*;
- the north west portion of the site containing riparian and rainforest vegetation is to be zoned E2 *"Environment Conservation"*;
- sensitive environmental areas containing riparian vegetation within the site which are to remain in private ownership are to be rezoned to RE2 *"Private Recreation"*.; and
- the residual area of land is to be zoned R2 *"Low Density Residential"* so it can be developed as a HBBP.

A modification to draft GLEP 2009 is also sought to facilitate home business development up to 60m² within the site. The following modification is proposed:

An addition to clause 5.4(2) to add the words *"...unless the business is located upon Lot 202 DP 831864, Lots 8 and 9 DP 87601, Lot 2 DP 1111392, Lot 4 DP 37914 and Lot 1 DP 381971 located at Kings Avenue, Terrigal, in which case the business must not use more than 60 square metres of floor area."*



Legend	
 	Site
R2	Low Density Residential
RE1	Public Recreation
RE2	Private Recreation
E2	Environmental Conservation

Source:
Crighton Properties Pty Ltd

R0	15-12-10	JD
R1	Preliminary Issue	28-01-11 JD
Suffix	Revisions	Date Init

Client:	Crighton Properties Pty Ltd		
Project:	Parkside Terrigal Rezoning Report - Local Environmental Study		
Drawing No:	0050265h_LES_Nov10_C004_R1.cdr		
Date:	28/01/2011	Drawing size:	A4
Drawn by:	JD	Reviewed by:	AA
Scale:	Refer to Scale Bar		



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Figure 1.4

Proposed Change to GLEP 2009

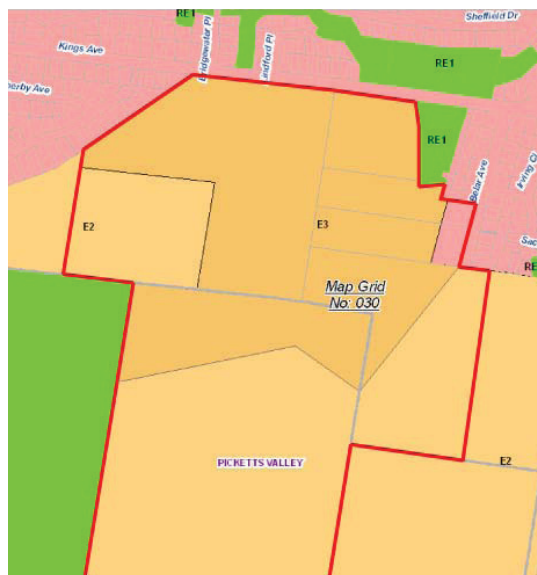
Environmental Resources Management Australia Pty Ltd
53 Bonville Avenue, Thornton, NSW 2322
Telephone +61 2 4964 2150



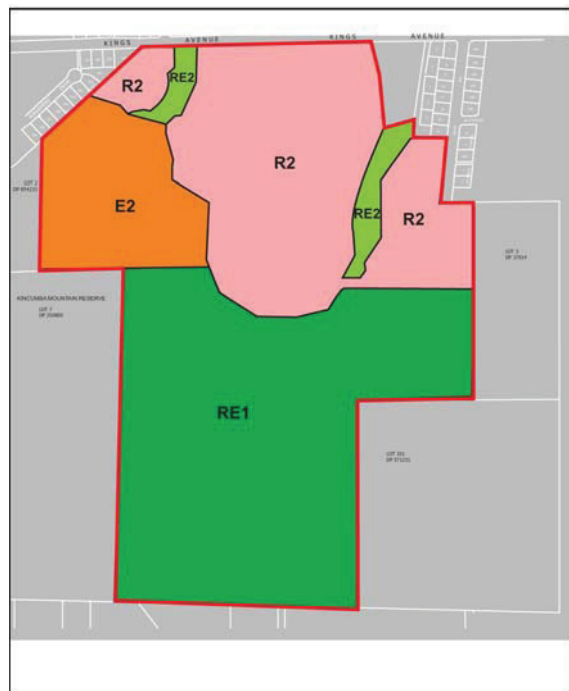
Figure 5. Proposed Project Plan Zoning.

The proposed amendment differs from the Draft LEP 2009 as indicated in the following table.

Proposed Zone	Area (Ha) draft LEP 2009	Area (Ha) Planning Proposal
R2	0.60 Ha	18.10 Ha
E2	28.97 Ha	7.00 Ha
E3	24.53 Ha	N/A
RE1	N/A	27.15 Ha
RE2	N/A	1.75 Ha
Total	54.1 Ha	54.1 Ha



Draft LEP 2009 Zoning



Planning Proposal

Part 3- Justification

Section A- Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not identified in any formal Council strategic study or adopted Council report. Instead, this Planning Proposal is the result of an approach to Council by a proponent to undertake a particular form of employment generating development upon the site – a spot rezone.

The Director General provided Section 54(4) advice to Gosford Council in respect of the proposal on the 18th January 2007.

This Home Based Business Park is described within “*Parkside at Terrigal - Discussion Paper*” (see Appendix 1.) On the strength of the proposal, in addition to Council’s understanding of the need for and benefits arising from Home Based Business Development, Council agreed to consider the site for rezoning and development.

Pilot Project

Crighton Properties are proposing to construct what is essentially a pilot project and then facilitate the monitoring of the success of the project. The concept has been the subject of a discussion paper compiled by Dr Tony Gilmore, Research Policy Manager of the Planning Research Centre at the University of Sydney, entitled “Creating a Wired Home Business Community on the Central Coast” (see *draft LES*).

There are four distinct elements of this proposal which come together to make it a unique concept. These four distinct elements are described below:

- the consolidation of 145 home based businesses within a master planned Community Title subdivision. This has a number of benefits relating specifically to business development, growth in employment opportunities created by the proposal as opposed to a traditional residence estate, and the subsequent facilitation of growth of the local, regional and national economies;
- provision of a dedicated business support hub containing meeting rooms, conference facilities, clerical support and other business related support facilities. Such a support hub will attract both established and growing businesses, allowing for a cooperative and streamlined approach to small business development;

- the community will be a wired community, using high speed broadband connectivity to link all the houses and community facilities within the estate to provide for ease of access to information. This concept is being increasingly utilised in master planned residential communities. Examples include Blacksburg, Virginia, in the United States of America which on its establishment in 1992, was considered to be one of the earliest wired communities (Gilmour 2005). Connected residents can readily obtain information on local health care, clubs, societies, and community news. Examples within Australia include the Brookwater Estate in Queensland, and the Aurora Estate in Melbourne. Both these are master planned residential communities with a strong emphasis being placed on provision of high speed broadband; and
- an identified deficiency in most of the “wired communities” that have been developed over the world in the past 15 years is the lack of follow up monitoring being undertaken to discover whether they have achieved their economic or environmental objectives (Gilmour 2005). The Parkside@Terrigal concept has been developed in a partnership with research institutions which will allow for a well developed, structured, long term monitoring program to be put in place. Monitoring will be undertaken by the University of Sydney’s Planning Research Centre, managed in conjunction with the “Central Coast Campus”, which is a partnership between the Central Coast Community College, TAFE NSW Hunter College and the University of Newcastle. Sydney University will focus on issues of urban planning with the Central Coasts Campus’s Faculty of Information and Communications Technology assisting with technology advice and the success of the community intranet.

There are a number of identified needs which the Parkside@Terrigal development provides an opportunity to address. These needs arise primarily from well documented issues facing the Central Coast region, as well as the changing demographic for Australia as a whole, and relate primarily to the following:

- provision of more employment opportunities on the Central Coast;
- provision of a greater diversity of employment opportunities on the Central Coast;
- accommodation of the growing trend towards small and home based businesses within Australia;
- achievement of strategic planning outcomes through the provision of housing stock along with employment opportunities; and
- facilitation of the economic growth of the Gosford local government area (LGA).

Additionally, a large portion of the site (approximately 18 Ha) was identified by Council for future incorporation into the Coastal Open Space System (COSS) and forms part of the 1992 COSS strategy (see Appendix 3 for extracts) – the Planning Proposal proposes the dedication of this land, in addition to a further 9.28 Ha to the COSS, based on mapped environmental values.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal seeks to allow development of a site for a specific purpose as a “whole of site” development, through the coming together of 3 land owners. The resulting provision of business support amenity ‘on site’ is unique to the proposed development and additional contributions to regional amenity via embellishments of the open space park network, represent a significant private investment in amenity.

Such investment (in amenity and support services) could only be undertaken as a result of a development of significant size over a considerable land area, free from fragmentation. The Planning Proposal represents a unique opportunity in that;

- the site is of adequate size to support such a comprehensive proposal;
- the site is currently held between 3 land owners (not fragmented);
- willing land owners and a developer are committed to the unique range of uses proposed on site; and
- very few opportunities exist within the LGA to provide a site of this size, strategically located within an urban corridor, with the capability for such a development

The Planning Proposal represents a rare opportunity to achieve the objectives and intended outcomes on a greenfield site. Such outcomes would be all but impossible to achieve through infill development, or on other sites where a high degree of fragmentation exists, which is common within the LGA, particularly due to Rural Residential fragmentation. Any smaller sites are unlikely to yield the level of amenity and public benefit contained within the Planning Proposal, and would in all likelihood render the resulting development not feasible.

Under current zoning and planning controls, permissible development upon the site would result in a high degree of fragmentation, and provide little or no contribution to public amenity in the area (the site is permitted to be subdivided into rural-residential holdings). Additionally, such permissible uses would result in little in the way of protection of the natural environment upon the site, nor funding for ongoing maintenance or rehabilitation of these areas.

Little opportunity exists to implement a proposal of this scale and benefit elsewhere within the LGA. The Erina – Terrigal corridor is one that benefits from existing services, transport and social infrastructure.

3. Is there a community benefit?

In addition to the provision of additional housing stock as well as further diversity of house types for both, new and current residents of the Central Coast, the Planning Proposal will result in a number of community benefits;

- By providing new employment opportunities for 220 people in perpetuity on the site.
- The dedication of 25.3 Ha of privately owned land to the publically accessible open space reserve network.
- The creation and embellishment of new public access ways through the site to access the Kincumber Mountain reserve (to cater for pedestrians and cyclists) in accordance with Gosford City Council COSS Management Strategy.
- The provision of a range of business services on site that will support local residents and businesses beyond the boundaries of the site.
- The completion of upgrades to the fronting road network, which currently constrains efficient vehicular movement.
- An increase in the speed of digital communication technology within the local area due to upgrades of the network.
- The likelihood that the development will actually reduce, peak hour traffic on the local and regional road network, by capturing a number of local employees, who would otherwise be commuting to Sydney or Newcastle – a major source of traffic conflict in the region.

In addition to these benefits, there are a range of benefits in terms of soft infrastructure, to the community.

Economic and Employment Benefits

The economic and employment impact assessment carried out by Professor Scott Holmes (Holmes 2005, *Annex M in the draft LES*) provides a comprehensive investigation of the economic benefits resulting from the development of the Parkside@Terrigal concept.

The ongoing annual economic impact of the residential and commercial components are also significant in terms of both employment and on-going economic impact:

- The annual wealth benefit from the residential estate is \$14.7m nationally. The benefit to the Central Coast Region will be \$12.5m per annum, involving some substitution effect from other areas of the economy;

- The annual benefit flowing from the home based business activities is \$35m with \$8.4m captured by the immediate Region. A total of 220 full time jobs will be created within the Region supporting 110 owner/operators and 110 employees. The breakdown of industry sectors which will be represented has not been predicted. However, a common employment multiplier is predicted to be a factor of 2 (that is for each FTE job there will be another supported by the economic flow associated with the wages of the FTE jobs). This would make the total national multiplied effect 440 jobs, with 308 directly relating to the immediate region;
- The annual pay packet effect for the additional jobs is estimated to be \$3.4m per annum and \$14.6m (including net returns) for operator households; and
- When the benefits are average over a 10 year life cycle the annual benefits to the national economy are \$38m of which \$19m or 50% flows in to the Central Coast Region.

Economic Impact – Fully Operational

<i>Product/Service</i>	<i>National output gain \$m</i>	<i>Economic gain to the Central Coast \$m</i>	<i>National employment gain #FTE</i>	<i>Employment increase in the Central Coast #FTE</i>
<i>Construction of the whole Development</i>	\$182	\$73m	1,105	637
<i>Income from new households moving to the area</i>	NA	\$12.5m	NA	NA
<i>Economic benefit from the new property development</i>	\$3.8m	\$3.2m	6.5	6.5
<i>Commercial activities</i>	\$35m	\$8.4m	-	308

If the estate was a simple dormitory suburb then the household wealth effect would be \$14.7m per annum. Operating the development as a home based business estate changes the overall wealth effect to \$35m per annum. This represents over a 100% increase in the household wealth effect and this has a significant flow – on effect in the local economy, both in spending and employment.”

The employment and economic impact assessment prepared for this project estimated that the proposal will employ an additional employee over and above the occupants of the dwelling (Holmes 2005), with a total of approximately 220 people working in (or from) the estate. However, when factoring in a common employment multiplier of two, (for each full time equivalent (FTE) job there will be another supported by the economic flow associated with the wages of the staff employed), a total national multiplied effect of 440 jobs would be created. Approximately 300 of these jobs would relate directly to the immediate region, thus contributing to the overall provision of employment within the area in a manner that encourages diversity

of employment choices. Additionally, 1,105 FTE construction jobs would be created during the construction phase of the project, with an estimated 637 of these occurring within the immediate region (Holmes 2005).

The overall increased choice and number of employment opportunities that are likely to arise from the proposal will limit the number of commuters who reside in the area yet work in the adjoining larger metropolitan areas of Sydney and Newcastle. The technological facilities that will be available within the estate will allow people to live and work from the Terrigal area yet still be able to access and receive information from Sydney in a prompt and reliable fashion.

Relationship with Existing Businesses

The rezoning seeks to create an environment where small businesses are able to operate from residences (thus avoiding the payment of large amounts of rental overheads), whilst clustering together in an environment that provides support specifically directed towards the development needs of small business. Clustering small businesses, rather than allowing them to disperse within the existing urban mosaic allows for greater sharing of ideas and information.

Given the above, the development which will arise from the rezoning is unlikely to negatively interact with existing business zoned land. Instead it will attract small businesses that may otherwise set up within the confines of their own residences rather than seeking out commercial floor space within existing business zoned land.

The economic impact assessment has been predicated on 85% of buyers of home-business enabled homes coming from outside the region. If this amount does not eventuate, and a greater proportion of existing local businesses relocate to Parkside, this will still result in an upgrading of current business capabilities and have positive flow on effects on business competitiveness in the region.

The growth of small businesses will require the services of larger businesses to ensure long term sustainability. This type of iterative growth will serve to cumulatively develop the regional economy, its capabilities and breadth of services on offer to residents.

Other Social Benefits.

It has been identified that the proposal has the potential to directly impact upon the social amenity of the surrounding residential areas through increased traffic flows, disruption caused directly by operation of home businesses, and increased demand on infrastructure. The hi – tech home business park is a planned, serviced version of what can potentially occur within existing residential estates utilising existing exempt development provisions. The proposal seeks to provide a setting where these businesses are afforded appropriate support and are therefore more likely to flourish.

The traffic impact assessment (refer to the draft LES) concludes that the traffic impacts associated with the proposal will be comparable to that of a standard residential development and therefore will not unduly disrupt social amenity by way of excess noise or greatly increased traffic flows.

Section B- Relationship to Strategic Planning Framework.

4.- 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)

The Central Coast Regional Strategy does not identify any new green field residential release areas in the Gosford LGA (as has been contained in other Regional Strategies) and as such, the site of this Planning Proposal is not specifically identified within the Regional Strategy.

However, the planning proposal is consistent with the aims and initiatives of the Central Coast Regional Strategy which seeks to deliver 16,500 new homes in the Gosford LGA (primarily through increased residential densities within the centres due to limited opportunities within the LGA for Greenfield land release), whilst strongly encouraging an increase in employment opportunities within the region.

The Central Coast Regional Strategy acknowledges the need for the Gosford LGA to establish an identity of its own and not grow as merely a dormitory suburb of Sydney – adding to existing traffic conflicts.

In this regard the Planning Proposal details an innovative approach to provide a combination of both Housing and Employment within the region in a sustainable fashion, whilst also assisting to address housing diversity (all remaining growth within the Central Coast Regional Strategy is planned to be through increased densities in established areas) and Housing Affordability, by fostering home based business.

The proposal has been considered against, and is justified in terms of the "Sustainability Criteria for New Release Areas" contained within the Central Coast Regional Strategy (see Appendix 2). In summary, the assessment against the Sustainability Criteria concluded:

- whilst infrastructure plans under the Gosford Regional City by Cities document (as specified in the State Infrastructure Strategy) are yet to be developed, the services proposed for the site as documented in specialist reports (see the draft LES), demonstrate that any development of the land arising from the rezoning is able to be adequately serviced without major augmentation to the existing infrastructure;
- the proposal has the potential to have a positive impact on the regional road network given the high likelihood of reduced travel times. Local traffic generation is expected to be similar to a traditional housing estate. The site is in close proximity to the Terrigal CBD and Erina Fair. Overall the proposal is anticipated to have a net positive impact on the subregional

road network and likewise the rail, bus and ferry networks should not be negatively impacted;

- the rezoning facilitates the development of the site for the purposes of a hi – tech home business park. This is a completely new form of housing stock, adding to the housing diversity within the LGA;
- the overall increased choice and number of employment opportunities likely to arise from the proposal will limit the amount of commuters who reside in the area yet work in the adjoining larger metropolitan areas of Sydney and Newcastle;
- the employment assessment estimates that the hi – tech home business park will create a direct total of 220 full time equivalent (FTE) jobs, a further 220 national FTE jobs, as well as 1,105 FTE jobs during the construction phase. This provides a significant contribution to the attainment of the subregional employment capacity targets;
- development arising from the rezoning is capable of fully complying with the provisions of Planning for Bushfire Protection 2006;
- residential development on the site is not proposed in areas subject to inundation during a 1 in 100 year flood;
- dedication of large areas of the site to Council for inclusion in Council's COSS acts to provide a buffer to adjoining rural residential land uses. The relatively low key nature of the small home based businesses and the associated business hub is considered a compatible land use;
- a site analysis and an investigation of potential constraints and impacts arising from development of the site has indicated that a low impact home business estate is a suitable land use. Areas of potentially physically constrained land will not be developed. The site is not included within any farmland mapping as being significant agricultural land and the site does not contain any known productive resource lands;
- any subsequent development of the site will have regard for the concepts of energy efficient urban design, with any dwellings needing to comply with the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- the hi – tech home business park will not contain land uses that will degrade air quality. Additionally, the provision of jobs within the Gosford LGA will lessen the amount of commuting that takes place out of the region, thus reducing air quality impacts associated with vehicle usage;

- a water cycle management plan has been prepared which aims to improve the environmental condition for water quality and quantity consistent with community water quality objectives and catchment and stormwater management planning;
- no protected areas of Aboriginal cultural heritage are likely to be significantly impacted on the site;
- with some minor augmentation of existing infrastructure the site can be adequately serviced; and
- the proposed rezoning provides for the retention and restoration of riparian vegetation; retention of areas of endangered ecological communities; retention and protection of areas of vegetation in good condition with high biodiversity values; retention of habitat linkages to conservation reserves; retention of habitat for threatened fauna species; implementation of a Water Quality Management Strategy; preparation of an Ecological Site Management Plan and transfer of land to public reserve as part of the Coastal Open Space System. This ensures that regionally significant vegetation within the site will be retained and improved.

The complete Sustainability Criteria assessment is detailed in Appendix 2.

5. Is the planning proposal consistent with the local councils Community Strategic Plan, or other local strategic plan?

Gosford Vision 2025

The Gosford Vision 2025 is an overarching strategic planning initiative that has been designed to help decide future paths that Council and the community take to create a city where they want to live. Following extensive community consultation, the following key focus areas were developed:

- creating economic opportunity and employment;
- improving transportation and infrastructure;
- protecting the environment;
- strengthening local and regional identity;
- enhancing arts and culture;
- promoting health and safety;
- supporting families, youth and the elderly;
- expanding education and skills development; and
- management of the future.

The Planning Proposal is consistent with the Strategic directions of the “Gosford Vision 2025”, in particular by creating economic opportunity and employment, protecting the environment, improving transportation and infrastructure and management of the future (further information can be found in Appendix 5 and in the draft LES.)

In brief, this Planning Proposal seeks to facilitate a development which would result in;

- **Significant local ongoing employment opportunities;**
- **Significant Economic benefit within the region;**
- **Broadening the scope of housing stock in the region;**
- **Add significantly to the provision of managed publically accessible open space within the region in a strategic location; and**
- **Protecting in perpetuity, areas of high conservation value on site.**

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The relevant State planning legislation for NSW is the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). The EP&A Act is supplemented by a suite of Environmental Planning Instruments (EPI's), namely State Environmental Planning Policies (SEPP's), Regional Environmental Plans (REP's) and Local Environmental Plans (LEP's). The EPI's that are potentially relevant to the proposed rezoning include:

- State Environmental Planning Policy (Exempt and Complying Development Codes) – 2008;
- State Environmental Planning Policy (Infrastructure) - 2007;
- State Environmental Planning Policy 19 – Bushland in Urban Areas (SEPP 19);
- State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 14);
- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy 71 - Coastal Protection (SEPP 71);
- Sydney Regional Environmental Plan 6 – Gosford Coastal Areas;
- Central Coast Regional Strategy; and
- Draft Gosford Local Environmental Plan 2009.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) specifies a number of development types as having minor environmental impact that may be carried out as exempt development not requiring approval under the NSW planning system. Home businesses are specified as being exempt development under the Codes SEPP. The Standard Instrument provides the following definition of home businesses referred to in the Codes SEPP.

'Home business' means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

(a) the employment of more than 2 persons other than those residents, or

- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or*
- (c) involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or*
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or*
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, or*
- (f) the use of more than [insert number] square metres of floor area to carry on the business, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.*

The Codes SEPP and the definition of home businesses within the Standard Instrument provide for local councils to adopt maximum floor areas for home businesses within their LEPs which are exempt under the provisions of the Codes SEPP. Clause 5.4 of the Standard Instrument adopts a minimum floor area of 30m². Councils are unable to set maximum floor areas for home businesses less than this. The draft GLEP 2009 has adopted 30m² as the maximum floor area in which home businesses are permitted to be carried out within the Gosford LGA as exempt development under the provisions of the Codes SEPP.

The proposed “hi tech” home business park is consistent with the definition of home business in the Standard Instrument (and draft GLEP 2009) and is therefore considered to be exempt development. However, a modification to draft GLEP 2009 is sought to facilitate home business development up to 60m² within the site.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of *State Environmental Planning Policy (Infrastructure) – 2007* (SEPP – Infrastructure) provides a referral mechanism whereby a consent authority is required to ensure that any development applications referred to within the Schedule are forwarded to the Roads and Traffic Authority (RTA) to ensure that it is made aware of, and given an opportunity to comment on the development. This is not an integrated development referral as described within Section 91 of the EP&A Act 1979. Clause 104(3) of SEPP Infrastructure states:

“(3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*

- (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
- (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) any potential traffic safety, road congestion or parking implications of the development.”*

In the case of subdivision of land, referral to the RTA is required at development application stage where the subdivision would result in the creation of:

- 200 or more allotments where the subdivision includes the opening of a public road; or
- 50 or more allotments where the site is accessed from a classified road or to a road that connects to a classified road, if access is within 90m of connection, measured along the alignment of the connecting road.

As the proposed development that would arise from the rezoning is not classified under Schedule 3, referral to the RTA under Clause 104(3) is not required.

As the subdivision that would result from successful rezoning of the site would create less than 200 allotments, and given that Kings Avenue is not defined as a “Classified Road” by the Roads Act 1993, referral of a development that may arise as a result of this rezoning is not required.

The SEPP does not contain any heads of consideration to be taken into account when preparing a Draft Local Environmental Plan. Whilst consultation with the RTA may be undertaken as part of the required Section 62 consultation processes, formal referral of any development application is not required. A traffic report was undertaken to investigate the impacts of the development of the site on the local road system and is included in the draft LES.

State Environmental Planning Policy 19 – Bushland in Urban Areas

State Environmental Planning Policy 19 – Bushland in Urban Areas (SEPP 19) aims to protect the remnants of plant communities which were characteristic of land now within an urban area, in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term. The site adjoins land to which SEPP 19 applies,

being land within the Kincumba Nature Reserve which is reserved for open space requirements.

Clause 9(2) applies to land which adjoins zoned or reserved for open space purposes and requires that a public authority shall not grant development consent unless it has taken into account:

- (c) the need to retain any bushland on the land,*
- (d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and*
- (e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.*

Whilst a development application has not been lodged, a SEPP 19 assessment was carried out as part of the extensive ecological investigations undertaken to support the Planning Proposal. This is provided in the draft LES and concludes that development of the land in accordance with the concept plan put forward will not compromise the values of the adjoining bushland areas with respect to the aims of SEPP 19.

Parkside@Terrigal incorporates the retention of vegetation, including the dedication of approximately 27.28 hectares of land (51% of the site) in the southern portion of the site to Council, which will become part of the Gosford Coastal Open Space System, and an area of rainforest vegetation in the north western portion of the site which is proposed to be rezoned to E2 Environment Conservation, thereby maintaining connectivity with adjoining areas and wildlife corridors. An assessment of the adequacy of the offsets proposed as part of the development is detailed in the draft LES 1.

State Environmental Planning Policy 44 – Koala Habitat Protection

State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 44) encourages the proper conservation and management of areas of vegetation that provide habitat for koalas to ensure a permanent free – living population over their present range and reverse the current trend of koala population decline.

With regards to the preparation of Draft Local Environmental Plans, Clause 16 of SEPP 44 requires:

“Without affecting the power of the Director to give a direction under section 74 (2) (b) of the Environmental Planning and Assessment Act 1979 to a council, the Director will consider giving a direction that sections 57 and 61 of that Act are to apply to a draft local environmental plan (with the consequence that the council must prepare an environmental study of the land to which the draft local environmental plan applies) if, under the draft plan, it is proposed to

zone (or rezone) land that is a potential koala habitat or a core koala habitat otherwise than as environment protection.”

An ecological site assessment was carried out as part of the LES investigations to determine the potential impacts to koalas and their habitats as a result of the proposed rezoning (see the draft LES). One Koala food tree species (*Eucalyptus punctata*) as listed within Schedule 2 of the SEPP was detected on site. However, due to its density being less than 15% on the site and the absence of evidence of Koala habitation, the site is not considered to form either “Potential Koala Habitat” or “Core Koala Habitat” as defined by the SEPP.

Given the above, further consideration of SEPP 44 is not required in preparation of any draft LEP.

State Environmental Planning Policy 55 – Remediation of Land

Clause 6 of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) requires Councils to consider the likely contamination of land before it can be rezoned. An LES therefore must investigate the past uses of the land in the consideration of contamination issues.

A Phase 1 Environmental Site Assessment (ESA) was carried out (see the draft LES). This report concluded that as there was no identifiable significant potential for site contamination arising from past usage, the site is suitable for the proposed development.

State Environmental Planning Policy 71 – Coastal Protection

State Environmental Planning Policy 71 – Coastal Protection (SEPP 71) has aims specifically relating to the protection and enhancement of the coastal environment to ensure that the type, bulk, scale and size of development within the coastal zone is appropriate for the location and protects and improves the natural scenic qualities of the surrounding environment. The site is wholly outside the metropolitan coastal zone, therefore further consideration of SEPP 71 is not required. Notwithstanding this the draft LES contains details of the consistency of the proposed rezoning with the objectives and criteria listed in SEPP 71.

In particular, the new SEPP (Exempt and Complying) deserves particular consideration. SEPP (Exempt and Complying) identifies “Home Office” (in accordance with the template definition) as Exempt Development. The Parkside Planning Proposal, allows specifically for the incorporation of Home Offices within the desired land uses. The Planning Proposal seeks (through the provision of additional on site business support amenity) to encourage home offices to a greater degree than is likely within a standard residential development – taking the provisions of the SEPP one step further.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

The relevant and applicable section 117(2) Ministerial Directions include:

Section 117 Direction	Consistency
2.1 Environmental Protection Zones	<i>Inconsistent</i> – however, clause 6 allows justification by an Environmental Study
2.3 Heritage Conservation	Consistent throughout
3.1 Residential Zones	Consistent throughout
3.3 Home Occupations	Consistent throughout
3.4 Integrating Land use and Transport	Consistent throughout
4.3 Flood Prone Land	Consistent throughout
4.4 Planning for Bushfire Protection	Consistent throughout
5.1 Implementation of Regional strategies	Whilst site is not identified in Regional Strategy, it is consistent with the Sustainability Criteria for consideration
5.7 Central Coast	Not inconsistent - The Structure Plan to which this direction applies has been superseded by the Regional Strategy
6.1 Approval and Referral Requirements	Consistent
6.3 Site Specific Provisions	Consistent.

A more detailed description of the degree of consistency with each provision is detailed below.

Section 117 of the *Environmental Planning and Assessment Act 1979* provides the Minister the ability to direct Councils in the process of preparing LEP's to incorporate provisions which will achieve or give effect to such principles or aims, objectives or policies, not inconsistent with the Act, as are specified in the direction. A new suite of Local Planning Directions issued under section 117 of the Act were gazetted on 14 June 2007 and came into effect on 19 July 2007. A draft LEP is generally required to be consistent with

the provisions of all applicable 117 directions in order to proceed to the final plan making process, with inconsistencies only being considered if they can be justified. The Director – General of the Department of Planning can agree to inconsistent provisions within a LEP if they are:

(a) justified by a strategy which :

(i) gives consideration to the objective of this direction;

(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 the 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 the direction, or

(d) of minor significance.

Relevant Ministerial Directions for the proposed rezoning of the site are summarised in the following pages.

1.1 - Business and Industrial Zones

This direction applies when a draft LEP is prepared that affects land within an existing or proposed business or industrial zone, including the alteration of any existing business or industrial zone boundary.

Whilst any draft LEP will include provisions for the development of home business opportunities, there are no business zones being created or altered. Therefore further consideration with 117 Direction Number 1.1 is not considered necessary.

1.2 – Rural Zones

This direction applies when a draft LEP is prepared that affects land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

The current zoning of the site is not rural, nor is it proposed to rezone it to rural, however it is recognised that rural residential sized allotments can be created in certain circumstances under the E3 zone. As there is no impact on good quality rural land, further consideration of Direction Number 1.2 is not considered necessary.

2.1 – Environmental Protection Zones

The objective of the 2.1 Environmental Protection Zones Ministerial Direction is *‘to protect and conserve environmentally sensitive areas’*.

This direction applies to any draft LEP and provides for the following:

- a draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas; and

- a draft LEP that applies to land within an existing environmental protection zone or land otherwise identified for environmental protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying any development standards or subdivision controls that apply to the land).

Clause 6 of the direction allows a draft LEP to be inconsistent with the direction where it is 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. This attached LES has been prepared in order to provide justification for the inconsistency with the direction. Elements of the attached LES (See appendix 6.) which pertain to this particular direction and justification for the inconsistency with the direction are:

- *Section 4.2* (draft LES) which addresses the impacts of the proposal on the flora and fauna of the site. The results of the ecological assessment were:
 - due to a history of disturbance, the majority of the site is of reduced quality for locally occurring flora and fauna species;
 - habitat for ten threatened fauna species observed on the site is proposed to be retained on the site and in adjoining reserve areas;
 - one Endangered Ecological Community, Lowland Rainforest, is present on the site and no threatened flora species or endangered populations were observed. The rainforest is proposed to be conserved through a E2 zone;
 - the proposal provides for the retention, protection and restoration of higher quality habitats within riparian areas to offset and minimise impacts upon locally occurring flora and fauna; and
 - a detailed Ecological Site Management Plan will be prepared and accompany any proposal for development of the site to detail management requirements for retained vegetation and fauna habitats.

The assessment concluded that the proposal will result in an improvement or maintenance of biodiversity values as a result of the various biodiversity conservation proposals to be implemented as part of the rezoning proposal (these are provided as appendices within *Annex C* to the attached LES) and that the proposed development is unlikely to have a significant effect upon threatened species.

- *Section 4.8* (draft LES) which addresses potential visual impacts associated with the development of the site. The visual impact assessment concluded:

- the ridgeline is the most visible aspect of the site when viewed from the surrounding areas. The retention of canopy trees on the ridgeline will reduce the visual impact of any clearing undertaken;
- the provision for larger lots on the southern and south eastern boundaries will provide a transition between the more densely developed valley near Kings Avenue and the adjoining rural residential and bushland areas;
- a vegetation buffer to the north west boundary, the retention of appropriate vegetation in the two gullies and retention of views along the gullies from Kings Avenue will retain current amenity and privacy for existing residents; and
- the design of dwellings and landscaping should ensure contribution to the amenity of the streetscape (including screening of fencing, low open style fencing on site boundaries in the north east and consideration of roof colours).

The implementation of the funding and recommendations of the visual impact assessment will ensure visual amenity and character of the locality is maintained and improved.

- *Section 1.4* (draft LES) where it is noted that a large area (27.28 hectares) of the site (51% of the site) which could be considered environmentally sensitive land is to be dedicated to Council and will become part of the Coastal Open Space System. This dedication will enhance the achievement of objectives of the environmental protection zoning.

2.2 – Coastal Protection

This direction applies to any draft LEP within the coastal zone and provides that a draft LEP shall include provisions that give effect to and are consistent with:

- the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and
- the Coastal Design Guidelines 2003, and
- the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

An assessment of the consistency of the rezoning with the provisions of the above policies and guidelines has been undertaken within *Sections 2.4.5, 2.4.6 and 2.4.7 of the attached draft LES* (also see *Annex Q*).

2.3 – Heritage Conservation

This direction applies to any draft LEP and requires that a draft LEP contain provisions that facilitate the conservation of:

- Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.
- Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

A search of the State Heritage Register revealed that there are no items of World, National, State or Local heritage significance on, or in the vicinity of the site that would be affected by the rezoning. The Aboriginal Cultural Heritage Significance Assessment undertaken as part of the draft LES (*Section 4.6.1* and *Annex F (draft LES)*) indicated that the archaeological sites noted during the survey can be protected if development proceeds in the manner indicated in the Concept Plan. It is therefore considered that further consideration of this direction is not required.

3.1 – Residential Zones

This direction applies to any draft LEP that affects land within:

- an existing or proposed residential zone (including alteration of any existing residential zone boundary); and
- any other zone in which significant residential development is permitted or proposed to be permitted.

Clause 4 requires that 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;*
- b) make more efficient use of existing infrastructure and services;*

- c) *reduce the consumption of land for housing and associated development on the urban fringe; and*
- d) *be of good urban design.*

Clause 5 provides that the draft LEP is also to:

- 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 the land.*

The rezoning is seeking to facilitate the creation of a unique hi – tech home business estate. The community title arrangements proposed as part of the rezoning will mean that only those wishing to establish a home business and utilise the community facilities are likely to reside within the estate. A completely new type of housing stock will therefore be constructed. This uniqueness adds considerably to the type of housing stock available and therefore the rezoning is consistent with the requirements of the direction. The water cycle management plan (*Annex G of the draft LES*) provides an assessment of the capacity of existing infrastructure to adequately service the proposal. It concludes the subject to some minor augmentation works, the existing infrastructure has the capacity to adequately service all elements of the proposed hi – tech home business estate without placing undue strain on Council’s capacity to provide services elsewhere in the surrounding area.

Presently the provisions of clause 18(3)(e) of the IDO No. 122 provide for a maximum dwelling yield of 0.5/hectare, with the subdivision standard for the 7(c2) zone being two hectare minimum lot size. The rezoning will significantly increase the dwelling yield from the site. This increase in density is a result of seeking a balance between the need to provide for higher densities and increased housing stock choice, while recognising the environmental constraints of the site.

Whilst detailed designs are yet to be finalised (pending the outcome of this draft LES), a community management statement which refers to architectural guidelines has been developed for the site (contained within *Annex H of the draft LES*). These have been developed in accordance with what is considered to be “good urban design” principles, utilising document such as the New South Wales Coastal Design Guidelines 2003. These provide for:

- respect of the environment of the site in the design processes and seek to foster ecologically sustainable outcomes;

- the preservation and enhancement of the existing landscape; and
- the maintenance of the highest possible aesthetic standards to assist in establishing Parkside@Terrigal as a desirable place to live and work.

The rezoning is considered to be consistent with all elements of this direction, as well as the New South Wales Coastal Design Guidelines 2003 as demonstrated in *Section 2.4.6 (draft LES)*, also see *Annex Q (draft LES)*.

3.3 – Home Occupations

This direction applies to any draft LEP and requires that it permit home occupations to be carried out in dwelling houses without the need for development consent. The intent of the rezoning is to provide for the future creation of a hi – tech home business estate, catering specifically for the establishment and support of home businesses.

Exempt development requirements within the rezoning provide site specific provisions which supplement the existing exemptions for the development of home occupations as contained within the GLEP 2009. Development under Community Title will ensure that no house will be built that does not include a home business with a floor area of between 30 and 60 square metres with a separate access and additional off street parking.

The rezoning is therefore considered to be consistent with this direction.

3.4 – Integrating Land Use and Transport

This applies to any draft LEP that creates, alters or removes a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. It requires that the draft LEP locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- Improving Transport Choice – Guidelines for planning and development (DUAP 2001); and
- The Right Place for Business and Services – Planning Policy (DUAP 2001)

Critical objectives of these documents include:

- reducing the growth in vehicle kilometres travel;
- improving air quality and reducing greenhouse gas emissions;

- building more compact cities;
- promoting economic development and creating jobs; and
- focusing on maximizing accessibility (the ability to undertake a range of daily activities with a minimum of travel), rather than mobility (the ability to move freely).

The concept of a hi – tech home business estate will achieve these critical objectives through providing a centralized place of business and residence within the existing urban mosaic.

A traffic impact assessment was undertaken (*Annex B of the draft LES*), with a summary of the outcomes being provided within *Section 4.7 (draft LES)*.

4.1 – Acid Sulfate Soils

This direction applies to a draft LEP that will apply to land having a probability of containing acid sulphate soils as shown on the Acid Sulfate Soils Planning Maps. As the Acid Sulfate Soils Planning Maps for the area show that there is no Actual or Potential Acid Sulfate Soils on the site, further consideration of this direction is not considered necessary.

4.2 – Mine Subsidence and Unstable Land

This direction applies to a draft LEP that permits development on land that:

- is within a mine subsidence district, or
- has been identified as unstable in a study, strategy or other assessment undertaken:
 - by or on behalf of the council, or
 - by or on behalf of a public authority and provided to the council.

As the site is not within a mine subsidence district, or identified as unstable or land restricted by steep slopes, further consideration of this direction is not considered necessary.

4.3 – Flood Prone Land

This direction applies to a draft LEP that creates, removes or alters a zone or a provision that affects flood prone land. There is land directly to the east that is proposed under GLEP 2009 to be zoned RE1 “Public Recreation” that contains flood prone land, however, the rezoning does not propose to change the boundary of this zone, nor does it change any provisions within existing planning instruments that relate to development of flood prone land. Further consideration of this direction is therefore not considered necessary.

4.4 – Planning for Bushfire Protection

This direction applies to a draft LEP that affects, or is in proximity to land mapped as bushfire prone land. This requires the following:

- in the preparation of the draft LEP a Council shall consult with the Commissioner of the NSW Rural Fire Service under section 62 of the EP&A Act 1979 and take into account any comments so made; and
- the draft LEP shall
 - have regard to Planning for Bushfire Protection 2006;
 - introduce controls that avoid planning inappropriate developments in hazardous areas; and
 - ensure that bushfire hazard reduction is not prohibited within the APZ.

Section 4.4 (LES) summarizes the findings of a comprehensive bushfire risk assessment (*Annex I – draft LES*) and that has been undertaken accordance with Planning for Bushfire Protection 2006. A number of recommendations have been incorporated in the concept plan. It is considered that the relevant provisions of this direction have been adequately addressed by the rezoning.

5.1 – Implementation of Regional Strategies

This direction applies to land to which the following regional strategies apply:

- Far North Coast Regional Strategy;
- Lower Hunter Regional Strategy;
- Illawarra Regional Strategy;
- South Coast Regional Strategy; and
- Central Coast Regional Strategy

The site is affected by the Central Coast Regional Strategy. As assessment of the proposal's consistency with the provisions of this strategy has been undertaken and is provided within *Section 2.4.2 (draft LES)* and *Annex Q (draft LES)*.

Whilst the site is not included within any key residential and employment land release maps, the ability of the proposal to contribute to the attainment of social, environmental and economic goals, whilst demonstrating a high degree of consistency with objectives relating to the strategic development of the area demonstrates that the overall goals of the CCRS are being met.

5.7 – Central Coast

This direction applies to Gosford and Wyong Councils and requires that a draft LEP be consistent with the Gosford – Wyong Structure Plan (as approved by the Minister in November 1977) except as amended by the Sydney Regional Environmental Plan No 6 – Gosford Coastal Areas. The Gosford Wyong Structure Plan has been superseded by the Central Coast Regional Strategy (see *Section 2.4.2. LES*)

6.1 – Approval and Referral Requirements

This direction is aimed at ensuring that LEP provisions encourage the efficient and appropriate assessment of development by minimising the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. No such concurrence, consultation or referral requirements are proposed.

6.3 – Site Specific Provisions

This direction aims to discourage unnecessarily restrictive site planning controls. A draft LEP that amends another environmental planning instrument in order to allow a particular development proposal to be carried out shall either:

- allow that land use to be carried out in the zone the land is situated on;
- rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone;
- allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended; and
- the draft LEP shall not contain or refer to drawings that show details of the development proposal.

The option of preparing the draft LEP without any reliance on a site specific amendment (usually known as a notwithstanding clause) is the option being pursued (except for the small amendment to clause 5.4(2) of draft GLEP2009). Pursuing this option means that there is general consistency with this directive.

Section C- Environmental, Social and Economic Impact.

8. Is there a likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An ecological site assessment (ESA) was undertaken by the Conacher Environmental Group (see the draft LES). The ecological site assessment was peer reviewed by Cumberland Ecology

Survey Results

During site surveys, the following vegetation communities were identified on site, as shown within the ecological site assessment as described below:

- Coastal Warm Temperate Rainforest within the more sheltered sections of the drainage lines which corresponds with the Lowland Rainforest Endangered Ecological Community (EEC) as described within the Threatened Species Conservation Act 1995;
- Coastal Narrabeen Moist Forest which predominately occurs within the drainage lines;
- Narrabeen Coastal Blackbutt Forest which extends throughout the slopes and ridges of the central and southern parts of the site;
- Disturbed/Regeneration Open Forest of the central slopes; and
- Grassland with Scattered Trees which occur throughout the site with the exception of the southern part of the site.

No threatened flora species were identified on the site. The following threatened fauna species were observed on site during surveys:

- Little Eagle, Little Lorikeet, Powerful Owl, Sooty Owl, Yellow Bellied Glider, Grey Headed Flying Fox, Eastern Bentwing Bat, Eastern False Pipistrelle, Greater Broad Nosed Bat, Little Bentwing Bat, Yellow Bellied Sheath-tail Bat; and Eastern Freetail Bat.

Following the detailed ecological surveys and site analysis a variety of biodiversity conservation outcomes were incorporated into the proposal to mitigate against any impacts upon the identified Endangered Ecological Community and Threatened Species. The biodiversity conservation components incorporated into the project include:

- retention and restoration of riparian vegetation
- retention of areas of endangered ecological communities;

- retention and protection of areas of vegetation in good condition with high biodiversity values;
- retention of habitat linkages to conservation reserves (Kincumba Mountain Reserve);
- retention of habitat for threatened fauna species;
- implementation of a Water Quality Management Strategy;
- preparation of an Ecological Site Management Plan; and
- transfer of land to public reserve as part of the Coastal Open Space System.

The full extent of the implementation of these measures is provided within the draft LES.

Adequacy of Biodiversity Offsets

An independent assessment of the adequacy of the proposed biodiversity offsets against the DECCW principles was undertaken by Cumberland Ecology, the foremost biodiversity principle being that impacts upon areas of ecological value must firstly be avoided then mitigated where total avoidance is not possible. Finally, impacts to developments should be offset using compensatory measures if the two other components of the biodiversity offset hierarchy do not appropriately offset development impacts.

Parkside@Terrigal incorporates the following avoidance, mitigation and compensation measures:

• **Avoidance**

The current design sits primarily within the most disturbed portions of the subject lands, thereby providing for the retention of key vegetation and habitat features on site, including the conservation of the Lowland Rainforest EEC. The proposed development footprint has been reduced in the south eastern and south western portions of the site, which will assist in maintaining a wildlife corridor along the southern extend of the subject lands. The wildlife corridors on the subject lands will facilitate the movement of fauna across Kincumber Mountain Reserve and through riparian areas. The footprint also allows for the retention of a range of habitat features suitable for a suite of fauna species, including hollow-bearing trees and riparian areas.

• **Mitigation**

The primary mitigation measure for the Parkside project is the management and rehabilitation of a number of areas of retained vegetation. The riparian

areas on the site, including a patch of Lowland Rainforest EEC will be retained within non-developable areas of the project. A vegetation management plan has been prepared to increase the biodiversity values of the riparian areas. This plan will be implemented and funded via a Community Association scheme.

- **Compensation**

Compensatory measures for Parkside@Terrigal supplement the avoidance and mitigation measures and are being used to offset the loss of biodiversity values from the development footprint. The compensatory offset proposed is the dedication of approximately 27.28ha of land (51% of the site) in the southern portion of the subject lands to Council. The 27.28 ha of land to be dedicated to Council is to become part of the Gosford Coastal Open Space System (COSS). The transfer of the land into the Gosford COSS is considered to constitute greater protection of the vegetation and habitats. Dedication of 27.28 ha of the subject lands to the Gosford COSS will significantly add to the patch size of the vegetation in Kincumber Mountain Reserve. This dedication, in addition to the areas of site proposed to be retained and managed on site, represent an “on site” offset ratio of 4.3:1.

An assessment against each of the DECCW offset principles is provided in the draft LES. The assessment concluded that the proposed ecological offsets:

- addresses the loss of vegetation from the proposed development;
- provides a sustainable development outcome that provides habitat for threatened species;
- adds to the conservation areas associated with Kincumber Mountain Reserve;
- maintains habitat linkages with sizeable areas of forest on Kincumber Reserve;
- conserves in situ substantial areas of forest; and
- is clearly consistent with the latest principles for offsetting of DECCW.

Based on the detailed field surveys and assessment provided within the ecological site assessment it is concluded that:

- the majority of the site is of reduced quality for locally occurring flora and fauna species due to a history of disturbance;

- ten threatened fauna species were observed on the site. Habitat for these species is proposed to be retained on the site and in adjoining reserve areas;
- one Endangered Ecological Community, Lowland Rainforest, is present on the site;
- no threatened flora species or endangered populations were observed on the site;
- the proposal includes the retention, protection and restoration of higher quality habitats within riparian areas to offset and minimize impacts upon locally occurring flora and fauna;
- a detailed Ecological Site Management Plan should be prepared to detail management requirements for retained vegetation and fauna habitats and accompany any proposal for development of the site;
- that the proposed development is not likely to have a significant effect upon threatened species; and
- a referral of this project to the Commonwealth Department of Environment, Water, Heritage and the Arts is not required.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

In addition to Flora and Fauna assessment reporting, the following investigations have been undertaken with the corresponding results as part of the Planning Proposal.

Study	Result										
Storm Water Quantity Management assessment	A trunk drainage network already exists downstream to convey runoff expected from the fully urbanised catchment, including the site. The modelling results indicate that the construction of the proposed detention basins will reduce the flows from the developed site to less than existing for all events up to the 100 year ARI, except for the 5 year ARI event which was found to be slightly higher. It is intended that some of the runoff will be captured and reused on site in accordance with water sensitive urban design principles. This will further reduce flows into the downstream stormwater system. Refer to the draft LES for further detail.										
Storm Water Quality Management Assessment	The comprehensive water cycle management plan identifies strategies such as wastewater effluent recycling, stormwater collection and reuse and the implementation of water quality measures to treat stormwater runoff. The basic stormwater management system modelled is a treatment train which utilises a range of measures to achieve the required goal of limiting pollutant export to pre development levels. This treatment train includes gross pollutant traps, rainwater tanks, buffer strips, grass swales, bioretention trenches and a constructed wetland. The table below shows the results of water quality modelling based on the treatment train development <table border="1"> <thead> <tr> <th>Parameter</th><th>% Reduction</th></tr> </thead> <tbody> <tr> <td>Total Suspended Solids</td><td>87.1</td></tr> <tr> <td>Total Phosphorus</td><td>69.7</td></tr> <tr> <td>Total Nitrogen</td><td>44.8</td></tr> <tr> <td>Gross Pollutants</td><td>100</td></tr> </tbody> </table> These results demonstrate that with the implementation of the water cycle management plan post development loads	Parameter	% Reduction	Total Suspended Solids	87.1	Total Phosphorus	69.7	Total Nitrogen	44.8	Gross Pollutants	100
Parameter	% Reduction										
Total Suspended Solids	87.1										
Total Phosphorus	69.7										
Total Nitrogen	44.8										
Gross Pollutants	100										

	into the downstream receiving waters will be minimized in accordance with Council's requirements.
Aboriginal Cultural heritage Risk assessment	An Aboriginal Heritage Assessment (see the draft LES) was undertaken in accordance with the provisions of the National Parks and Wildlife Act 1974 (NPW Act) and the Interim Community Consultation Requirements guidelines (DECC 2004) and is provided in the draft LES. No sites or areas of cultural sensitivity have been recorded within the study area during the various field surveys. The proposed rezoning and subsequent development will not directly impact upon any areas of the known archaeological record and no further archaeological investigations are warranted.
Bushfire risk assessment	1.1.2 A bushfire hazard assessment was undertaken by Conacher Environmental Group. The report has been prepared to provide details of the characteristics of the site and adjoining areas in relation to existing bushfire hazard and demonstrates how the site can be developed balancing the implementation of adequate bushfire planning provisions (including asset protection zones, fuel management zones, lot configuration, road orientation and provision of fire trails) with other physical site constraints. The report has been provided within the draft LES. The report demonstrates compliance with the relevant requirements of Planning for Bushfire Protection (Rural Fire Service, 2006);
Geotechnical assessment	A geotechnical investigation of the site was carried out by Coffey Geotechnics Pty Ltd. This is provided within the draft LES. The purpose of the report was to assess the suitability of the site for proposed residential subdivision with respect to risk of slope instability. The results of this were used to provide concise outcomes as to the geotechnical constraints inherent within the site. Additional work has also been undertaken to demonstrate compliance of the proposed development against the principles set out in DCP 122- Cut and Fill. The geotechnical risk assessment carried out concluded

	that development of the site is feasible from a slope risk viewpoint. Whilst subdivision of the site may increase the risk of instability it was concluded that this risk would not exceed the risks assessed within the report subject to a number of recommendations being implemented. These relate to road excavations, fill embankments, building platforms, retaining walls; and drainage and sewage disposal. Further reporting recommends 'in principle' the likely design solution which could be employed on the site to address the areas of the site with severe slope. The report concludes that opportunities to address slope considerations on the site are available at the subdivision and individual house level, with multiple options available for the proposal to achieve compliance with DCP 122.
Visual impact assessment	Due to the emphasis placed by Council on the retention of the important visual characteristics present within the LGA, a comprehensive visual impact assessment was undertaken (see the draft LES). This document contains a comprehensive visual analysis and impact assessment carried out in accordance with the requirements of DCP 89 – Scenic Quality and DCP 159 - Character. It provides a number of outcomes and recommendations based on landscape character and viewshed assessment. These recommendations have been included within the site analysis and constraints plan as well as the form of the draft LEP. These elements also pertain to the control of the built environment that will need to be considered during the subdivision design process.
Traffic impact	A traffic impact statement for the development of the proposed hi – tech home business park was prepared by Mark Waugh Pty Ltd (see the draft LES). It is noted that the level of traffic generation from the development of the site has been determined utilising the Guide to Traffic Generating Developments (RTA). These guidelines contain no provisions for the precise nature of the development proposed, therefore the report is based on a number of quantitative judgements. A number of conclusions were reached with regards to impacts arising from the proposed hi – tech home business

	park on the existing traffic network: • the additional traffic generated by the development can be accommodated on the local road network and the local roads will remain within their road capacity limits; • based on the capacity of the local road network (including Terrigal Drive) and operation assessment, no mitigation or augmentation measures on the adjacent road network are required to accommodate the potential traffic generated by the proposal; and • with the provision of support facilities for the home based business the impact upon the greater regional and metropolitan road network is likely to have a net reduction in traffic movements.
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10. How has the planning proposal adequately addressed any social and economic effects?

The proponent is proposing to construct what is essentially a pilot project and then facilitate the monitoring of the success of the project. The concept has been the subject of a discussion paper compiled by Dr Tony Gilmore (see draft LES).

There are a number of identified needs which the proposal seeks to address. These needs arise primarily from well documented issues facing the Central Coast Region, as well as the changing demographic for Australia as a whole, and relate primarily to the following:

1. provision of more employment opportunities on the Central Coast;
2. provision of a greater diversity of employment opportunities on the Central Coast;
3. accommodation of the growing trend towards small and home based businesses within Australia;
4. achievement of strategic planning outcomes through the provision of housing stock along with employment opportunities; and
5. facilitation of the economic growth of the Gosford LGA.

Professor Scott Holmes of the Newcastle University was engaged by the proponent to generate an economic model of the proposed development. The anticipated economic development value of the entire project is expected to be in the order of \$182,000,000 over the construction phase. This results in 1,105 FTYE jobs in the 5 year construction phase alone.

When the proposed HBBP is fully established, it is estimated by Professor Scott Holmes that 75% of the expected 146 homes will house a functioning business with owner operators equating to 110 persons. It is projected that these owner operators will support a further 110 (FTE) staff, making a total 220 people employed on site in perpetuity. This would result in a total national multiplied effect of 440 jobs (308 within the local region).

The annual benefit flowing from the HBB activities is expected to be \$35 M, with \$8.4 M captured in the immediate region. The annual pay packet effect for the additional jobs is expected to be \$3.4 M per annum. Considering that the salaries earned by these employees will stay within the locality this will have a further multiplier effect within the local economy in the Central Coast.

As the proposed development will be under Community Title, the communal open space and assets on the site will be maintained by the Community

Association. Therefore there will not be any Council responsibility or any ongoing financial burden to the ratepayers of the LGA.

In addition the project centres around cultivating new intellectual industries in the region whilst building on the “Work Where You Live” principle. This provides employment opportunities enabling residents to work in the locality rather than commuting to Sydney each day.

Young people employed in support staff roles, training positions or junior professionals, would be able to seek relevant employment in the immediate locality, again living and working in the LGA. The following represents a summary of the benefits of the proposed development concept over and above that which is currently allowable on the site.

Economic	Environmental	Social
Significant increase in local employment opportunities.	Consolidated management and funding of ecological resources including water quality, biodiversity and open space.	Broader range of housing opportunities in the region.
Significant investment and expenditure catchment in the local region.	Minimise fragmented ownership of environmental assets.	Proper consideration of local demographic –, work from home opportunities/ lifestyle choice.
Key attractor for further ongoing development and investment.	Allows larger scale investment in environmental protection.	Community amenity benefit is regional park network and enhanced access and enjoyment of natural and man made assets.
Major investment in community assets without burden on ratepayers.	Enforceable development and behavioural controls at the Community Title Level.	Tightly controlled management and protection of character of place.

Section D- State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

- The region is well serviced by **Medical facilities** including Gosford Hospital and a range of allied health professionals in the local area. Opportunities may also exist on site as part of the proposal for the establishment of further medical specialist facilities.
- The Planning Proposal may increase the demand for up to 33 **Primary school** places and 23 **Secondary school** places. The region is well serviced by both public and private schools, with capacity both now and to expand into the future. Tertiary education campuses based at Gosford, Ourimbah and Wyong provide opportunity for tertiary studies without the need for students to commute to Sydney or Newcastle (both of which are in easy reach themselves) by private or public transport.
- The site is well serviced by **public transport**. The site lies directly on an operation bus route which connects with the railway system at Gosford.
- The RTA has advised that it is satisfied that the Draft LEP adequately addresses all issues that may have an impact on the surrounding state road network.
- Local augmentation of sewer, water and drainage services may be required as a result of the Planning Proposal, however these upgrades have been deemed feasible.
- The Planning Proposal will require an upgrade of digital telecommunication services to service the site – this is proposed to be funded by the developer.
- The site is well serviced by a range of local **churches** and other places of worship. A number of child care centres also exist in close proximity to the site where capacity is available for new children.
- Regional **shopping facilities** are available close to the site at Erina to the West and local facilities at Terrigal to the East.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Planning Proposal has not been formally publically exhibited at this time. Section 62 consultations have been undertaken with State Agencies. The following State agencies have provided their responses to the draft LES. These are summarised in the table below, and original correspondence is provided in Appendix 4.;

Agency	Response
NoW NSW Office of Water	Now has offered its requirements regarding development in the LGA. The Planning Proposal is consistent with these requirements. NoW has not objected to the Planning Proposal. It should be noted that the proponent liaised over a long period with the NoW in order to address specific requirements for Riparian Corridor protection.
RFS Rural Fire Services	RFS has indicated that the plans and reports submitted with the proposal are adequate at the rezoning stage. RFS foreshadow that further detail will be required to be submitted to accompany any development application upon the site.
RTA Roads and Traffic Authority	The RTA advises that “The RTA is satisfied that the Draft LEP adequately addresses all issues that may have an impact on the surrounding state road network. The RTA, therefore, raises no objection to the Draft LEP.”
DECCW Dept. of Environment, Climate Change and Water	DECCW has raised the following issues with respect to the previous issue of the LES / LEP for the site. 1. Inadequate buffering to mapped rainforest upon the site – the current Planning Proposal has been amended to provide a 50m buffer to mapped rainforest upon the site as requested by Council. 2. Potential conflict between Riparian buffer zones, APZ’s and water management features - The current Planning Proposal has been modified to remove any overlap or conflict between these zones, which now remain independent of each other. 3. Potential mismanagement of conservation areas to reliant on private management – The Planning Proposal has been modified to ensure all conservation areas requiring active management are either dedicated to Council or managed by the Community Association in perpetuity. 4. Inadequate offsetting of loss of biodiversity, fails to achieve a maintain or improve outcome on site – The Planning Proposal has subsequently been modified

	to achieve a 4.3:1 vegetation offset on site, for comparison, this was previously 2.2:1. This has partly been achieved through an increase in the proposed dedication of land to council from 18.0Ha to 27.28 Ha. At the same time the extent of vegetation to be removed from site has been reduced from 10.4 to 7.6 Ha. 5. Inadequate avoidance of on site biodiversity – The Planning Proposal has been amended to avoid part of the area referred to by DECCW, however DECCW has requested a 50m setback of development from the riparian areas on site. This is in excess of NoW requirements for Riparian setbacks, which have been met by the proposal. Compliance with this request would render the project not feasible. The proponent continues to argue that the proposed level of avoidance, mitigation and offsetting is more than appropriate.
CMA Catchment Management Authority	CMA has provided comment generally to the effect that it believes that vegetation impacts (under the Native Vegetation Act) have not been adequately offset. It should be noted that the CMA have based these comments upon a previous, outdated version of the draft LES, although given the offsetting numbers the CMA would like to see achieved (approximately 10:1) this may be of little consequence. The Planning Proposal has been modified to achieve an offset ratio of 4.3:1.

Part 4- Community Consultation.

The Planning Proposal has not yet been formally exhibited.

An informal workshop session was held by the proponent early in the rezoning process. Community feedback was supportive of the innovative nature of the project. Some concern was registered by respondents immediately adjacent to the project. Proposed development in these areas has been either removed or reduced since this initial consultation.