

PLANNING PROPOSAL

KANGAROO POINT



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BACKGROUND

Kangaroo Point is a headland on the southern shore of the Hawkesbury River, at the junction of the River and Sanbrook Inlet, to the west of Brooklyn and adjacent to the Pacific Highway. The site comprises three parcels of land, namely:

- Public reserve – adjacent to the Pacific Highway and RTA owned land under the care, control and management of Council;
- Lot 1, DP 740853 which is owned by Council and contains a disused restaurant and car park area; and
- An area of reclaimed land (Crown land), formerly used as a public wharf, containing a shed and access to an existing houseboat business known as “Luxury Afloat”.

A map of Kangaroo Point is attached in Appendix A.

Between 1999 and 2005, Council prepared the Kangaroo Point Community Masterplan to provide for the future use and redevelopment of the land. In 2004, Council considered two options for progression of the draft Kangaroo Point Community Masterplan. Both options involved upgrade of the parklands. However, one option involved the provision of commuter berthing, the other sought to prohibit same. Council resolved to adopt the Masterplan option which prohibited commuter berthing at Kangaroo Point.

In February 2008, *Hornsby Shire Local Environmental Plan (HSLEP) 1994 (Amendment No. 95)* was gazetted rezoning land at Kangaroo Point to Open Space A (Public Recreation – Local). The Open Space A zone prohibits “marinas” (commuter berthing). The Kangaroo Point Community Masterplan in the *Brooklyn Development Control Plan (DCP)* came into force on 18 March 2008 and does not identify commuter berthing.

At its meeting on 11 November 2009, Council considered Executive Manager's Report No EN47/09 concerning a Generic Plan of Management for Planning Districts 5 and 7, including Kangaroo Point. Council resolved (in part) that the *HSLEP* be amended and the land reclassified to permit, with development consent, the construction of a commuter berthing facility at Kangaroo Point. Accordingly, this planning proposal has been prepared to permit commuter berthing at Kangaroo Point.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To permit, with development consent, marinas at Kangaroo Point, Brooklyn, by amending Clause 22(1) – Exceptions of the *HSLEP*.

PART 2 - EXPLANATION OF THE PROVISIONS

Amendment of the *HSLEP* by:

1. Replacing the current exception that permits “*houseboat hire premises*” with consent at “Kangaroo Point”, Pacific Highway, Brooklyn, under Clause 22(1) of the *HSLEP* with the “*marina*” land use.

Note: In the *HSLEP*, a “*marina*” means a building or place used or intended to be used to provide moorings for boats and includes any associated:

- (a) slipways, pontoons, jetties, piers or the like; and
- (b) facilities for the repair, maintenance and fuelling of, or for the provision of accessories and parts for boats.

PART 3 - JUSTIFICATION

Section A - Need for the planning proposal

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

Yes. In preparing the Kangaroo Point Community Masterplan, Council identified that river residents have a need for commuter berthing in Brooklyn. A number of river residents expressed a desire for provision of commuter berthing at Kangaroo Point as it provides the most convenient access to their communities than other locations. Two masterplan options were considered in the process, one comprising berthing.

As part of the masterplanning process, Council identified the permanent and potential demand for commuter berthing by Hornsby Shire river residents. It is estimated that there is a permanent demand for 25 river residents (based on full time occupancy of premises) and potential demand (based on dwelling entitlements) for up to 95 river residents of Hornsby Shire for commuter berthing.

In recognition of the needs and desires of the river residents, Council at its meeting on 11 November 2009 resolved to permit commuter berthing at Kangaroo Point.

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

Yes. The planning proposal is the best means of achieving the intended outcome as the *HSLEP* must be amended to permit commuter berthing with consent at Kangaroo Point.

3. ***Is there a net community benefit?***

Yes. The Hawkesbury River is an important natural asset, providing cultural, recreational, environmental, social and economic benefits and opportunities for the community. Located on the Hawkesbury River, commuter berthing at Kangaroo Point would meet the needs and desires of the river residents. Kangaroo Point provides the most convenient and accessible location for the river residents compared to commercial marinas in Sanbrook Inlet.

Commercial marinas are less suitable for commuter berthing considering the existing parking problems in Brooklyn. The additional demand generated by the provision of commuter berthing and parking to support the river residents would exacerbate the problem.

Furthermore, the general community could benefit from improved facilities and a higher quality of local open space. The proceeds from the commercial lease of the commuter berthing facility at Kangaroo Point could be used to fund the refurbishment and maintenance of the site.

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)?***

Yes. The planning proposal is consistent with the objectives of the *Sydney Metropolitan Strategy* and *draft North Subregional Strategy*.

Action D4.1.1 of the *Sydney Metropolitan Strategy* recognises the need to improve transport planning through strategic planning, subregional planning and place planning. Place-specific transport planning is required at Kangaroo Point to support the river residents and meet their needs and desires with consideration to all relevant social, environmental and economic factors.

The *draft North Subregional Strategy* identifies a need to improve the quality and accessibility of local open space. Action F2.1 and Action F2.1.2 seek to improve the quality of local open space through an embellishment program that improves facilities. The planning proposal would facilitate the provision of commuter berthing at Kangaroo Point and the income generated from any future commercial lease could be used to fund the refurbishment and maintenance of the site.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes. The planning proposal is consistent with *Council's Management Plan 2009/10 – 2011/12*. The *Management Plan* outlines that Council's Strategic Direction in looking to the future will focus on sustainability, community wellbeing and the provision of quality infrastructure, services and facilities. Commuter berthing at Kangaroo Point would provide a facility that addresses the needs and desires of Hornsby Shire river residents. Quality infrastructure, services and facilities at Kangaroo Point could also be funded by the commercial lease of the commuter berthing, thereby enhancing community wellbeing.

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

Yes. The planning proposal is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs, it being noted that the following SEPPs are relevant:

- *State Environmental Planning Policy (Infrastructure) 2007; and*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River (No.2 – 1997).*

See Appendix B for details.

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

Yes. The planning proposal is consistent with the applicable s117 Ministerial Directions, it being noted that the following Directions are relevant:

- *Ministerial Direction 5.1 – Implementation of Regional Strategies;*
- *Ministerial Direction 6.3 – Site Specific Provisions; and*
- *Ministerial Direction 7.1 – Implementation of the Metropolitan Strategy.*

See Appendix B for details.

Section C - Environmental, social and economic impact

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

No. The planning proposal relates to land above and below the Mean High Water Mark (MHW). There are sensitive aquatic habitats/areas located below the MHW including seagrass communities. The planning proposal would not adversely affect critical habitat or threatened species, populations or

ecological communities, or their habitats. The impact that a commuter berthing facility has on the seagrass and mangrove communities would be the subject of consideration with the lodgement of a development application.

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

No. Any proposal for a commuter berthing facility would require lodgement of a development application. The commuter berthing proposal would require a statement of environmental effects and may be determined by the Minister for Planning as a major project under Part 3A of the *Environmental Planning and Assessment Act 1979*. The proposal may also form "Designated" development under the *EP&A Act* and require an environmental impact statement to be submitted. Any environmental impact statement would require a thorough analysis of environmental impacts and include a traffic and parking study.

10. *How has the planning proposal adequately addressed any social and economic effects?*

Council has an obligation to make provision for commuter berthing for Hornsby Shire river residents in its land use planning strategies. Commuter berthing at Kangaroo Point would address the needs and desires of river residents. Kangaroo Point provides the most convenient and accessible location for the river residents compared to commercial marinas in Sanbrook Inlet.

There should be no cost to Council or any other government Department in the provision of commuter berthing at Kangaroo Point. Any commuter berthing proposal should be self funded and Council should gain free of cost a valuable asset. Additionally, the income generated from a commercial lease could be used to fund the refurbishment and maintenance of the site.

Section D - State and Commonwealth interests

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

Yes. The planning proposal would provide public infrastructure in the form of commuter berthing. Kangaroo Point can be accessed by the Pacific Highway and the F3 Sydney-Newcastle Freeway. Public parking is also available at Kangaroo Point. Commuter berthing would be located alongside (or in part replace) an existing houseboat hire premises and sewer pump out facility.

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

The Kangaroo Point Community Masterplan was prepared and sought the views of relevant Government authorities. Consultation would be undertaken with relevant Government Authorities and agencies as part of the preparation

of the planning proposal, including the Department of Planning, NSW Rural Fire Service, Department of Lands, Roads and Traffic Authority, NSW Maritime Authority, Department of Primary Industries (Fisheries), Metropolitan Local Aboriginal Lands Council and adjoining Gosford City Council.

PART 4 - COMMUNITY CONSULTATION

"A guide to preparing local environmental plans" has been prepared by the DOP (2009) to assist councils in preparing planning proposals and LEPs. In accordance with the *Guidelines*, the planning proposal is considered to be "low impact", in that:

- a) it is consistent with the pattern of surrounding land uses;
- b) is consistent with the strategic planning framework;
- c) presents no issues with regard to infrastructure servicing;
- d) is not a principal LEP; and
- e) does not reclassify public land.

Being "low impact" the *Guidelines* recommend the planning proposal be exhibited for a period of 14 days. Notice of the public exhibition of the planning proposal would be by:

- inclusion of an advertisement in a local newspaper at the start of, and during, the exhibition period;
- advertising on the Council website for the duration of the exhibition period;
- notifying relevant Government Authorities and agencies that are responsible for the management of land above and below Mean High Water Mark (MHW) at Kangaroo Point by letter at the start of the exhibition period. Relevant Government agencies would include the Department of Planning, NSW Rural Fire Service, Department of Lands, Roads and Traffic Authority, NSW Maritime Authority, Department of Primary Industries (Fisheries), Metropolitan Local Aboriginal Lands Council and Gosford City Council; and
- notifying relevant local community interest and industry groups that are located nearby or have a direct interest in Kangaroo Point by letter at the start of the exhibition period. Relevant groups would include the Kangaroo Point Management Authority, Brooklyn Ratepayer's Association and The Hawkesbury River Environment Protection Society.

Written notice and display material would be in accordance with the document *"A guide to preparing local environmental plans"* (Department of Planning 2009). A report on submissions would be presented to Council for its consideration following the exhibition period.