

Appendix B

Group Manager's Report No. PL38/14 and
Council Minutes (excluding attachments)

16 REPORT ON SUBMISSIONS - REZONING OF 99 NEW LINE ROAD, CHERRYBROOK

EXECUTIVE SUMMARY

- At its meeting on 18 December 2013, Council considered a report concerning a Planning Proposal to rezone property No. 99 New Line Road, Cherrybrook from R2 (Low Density Residential) to RE2 (Private Recreation).
- Council resolved to forward the Planning Proposal to the Department of Planning and Environment (formerly the Department of Planning and Infrastructure) requesting authorisation for public exhibition.
- A Gateway Determination was received indicating that the Planning Proposal could be exhibited. Accordingly, the Proposal was placed on public exhibition from 11 March 2014 to 11 April 2014.
- Two submissions were received from public authorities in response to the exhibition of the Planning Proposal neither of which object to the rezoning. Submissions received are addressed in this report.
- It is recommended that Council forward the Planning Proposal (Attachment 1) to the Department of Planning and Environment for finalisation.

RECOMMENDATION**THAT:**

1. Council forward the Planning Proposal attached to Group Manager's Report No. PL38/14 to rezone property No. 99 New Line Road, Cherrybrook from R2 (Low Density Residential) to RE2 (Private Recreation) to the Minister for Planning for gazettal.
2. In accordance with the plan making powers delegated to Council, the General Manager exercise the functions of the Minister for Planning and proceed to make the plan.
3. All persons who made submissions be advised of Council's resolution.

PURPOSE

The purpose of this Report is to review submissions received in response to the exhibition of the Planning Proposal for No. 99 New Line Road, Cherrybrook and to recommend that Council proceed with the making of the plan.

BACKGROUND

In 2008, Council approved Development Application No. 1046/2007 for major alterations and additions to the Club including a new car park, relocation of bowling greens, tennis courts and cricket nets. Consent conditions restrict the total number of staff, patrons and visitors to 750 and require the provision of 388 car spaces.

During the exhibition of the draft Hornsby Local Environmental Plan (HLEP) in 2012, Council received a submission requesting the draft HLEP be amended to enable the construction of a car park on property No. 99 New Line Road, Cherrybrook. On 19 December 2012, Council considered Group Manager's Report No. 54/2012 on submissions, where in relation to the Club's proposal, the matter was considered outside the scope of the draft HLEP and would require a separate Planning Proposal.

The Club was subsequently notified of Council's resolution and invited to submit a separate Planning Proposal. The Planning Proposal was lodged with Council on 2 October 2013.

The Planning Proposal was informally exhibited to assist the preparation of a report to Council. The informal exhibition occurred from 18 October 2013 to 21 November 2013 via a notice on Council's website and letters were sent to adjoining property owners. Copies of the Planning Proposal were also made available for inspection at Council's Administration Building and Hornsby Library. A total of 4 submissions were received from adjoining owners none of whom objected to the rezoning but raised matters relating to light spill, security, fencing and noise. Despite these issues being raised, submissions indicated that a car park use would be generally acceptable subject to their concerns being satisfactorily addressed at the development application stage.

Council at its meeting on 18 December 2013, considered Group Manager's Report No. PL114/13 concerning the Planning Proposal and resolved that:

1. *Council forward the Planning Proposal attached to Group Manager's Report No. PL114/13 to the Department of Planning and Infrastructure seeking endorsement for exhibition.*
2. *In accordance with the plan making powers delegated to Council, Council Exercise Authorisation to prepare and make the Planning Proposal following the receipt of Gateway Authorisation.*
3. *The General Manager be given delegated authority to endorse the exhibition material.*
4. *Following the exhibition, a report on submissions be presented to Council.*

In accordance with the Council's resolution, Gateway Authorisation to proceed with the Planning Proposal was issued by the then Department of Planning and Infrastructure (DP&I) on 14 January 2014. In accordance with the Gateway, the Planning Proposal was exhibited from 11 March 2014 to 11 April 2014.

DISCUSSION

This report discusses the exhibition of the Planning Proposal for No. 99 New Line Road, Cherrybrook and submissions received during the exhibition period.

No. 99 New Line Road, Cherrybrook Planning Proposal

Council received the Planning Proposal on behalf of the West Pennant Hills Sports Club to rezone property No. 99 New Line Road, Cherrybrook from R2 (Low Density Residential) to RE2 (Private Recreation). The applicant provides that the intended outcome of the Planning Proposal is to:

- provide an additional new parking area to be used in conjunction with the existing Club;
- facilitate management of patron parking close to existing Club entries which will encourage visitors to park within the Club and not on surrounding local streets;
- facilitate future improvements to the Club operations by providing supplementary parking, especially during the construction of the master plan;
- provide for a consistent zoning across the Club's land holdings; and
- provide for the future consolidation of No.101 New Line Road to facilitate a functional and cohesive land holding for the Club in the future.

The applicant advises that the rezoning is required on the grounds that the existing R2 Low Density Residential Zone does not permit 'car parks' or 'registered clubs', or any activity ancillary to the existing club.

Exhibition and Review of Submissions

In accordance with the Consultation Strategy outlined in the Planning Proposal, the documents were exhibited from 11 March 2014 to 11 April 2014. Advertisements were placed in local newspapers and on Council's website. Letters were sent to affected property owners and relevant local community groups. The Planning Proposal was also displayed at the Council Administration Centre and local branch libraries.

Two (2) submissions were received from public authorities, namely TransGrid and Roads and Maritime Services.

TransGrid

TransGrid advise that its infrastructure would be unaffected by the Planning Proposal and raises no objections. TransGrid notes that there is a power line affecting the subject property and is subject solely to the restrictions of Ausgrid and not of TransGrid.

Comment: Further consultation with Ausgrid would occur at the development application stage should the Planning Proposal proceed.

Recommendation: No amendment be made to the exhibited Planning Proposal in response to the comments concerning infrastructure by TransGrid.

Transport for NSW – Roads and Maritime Services

Roads and Maritime Services (RMS) raises no objections to the Planning Proposal. Comments were provided concerning the design of the car park to ensure its future design meets Australian Standards and with access restricted to left-in left-out.

Comment: The Planning Proposal relates to the future use of the land for a car park and is not restricted to the submitted design concept. Whilst the RMS has no concern regarding the proposed land use, comments relating to design may be addressed at the development application stage when a detailed design is submitted.

Recommendation: No amendment to the exhibited Planning Proposal in response to comments by the RMS concerning vehicular access to a future car park on the site.

STATUTORY CONSIDERATIONS

As part of the Gateway Authorisation, Council was granted delegated authority to request the making of the LEP amendment. Section 23 of the Act allows the Minister and the Director-General to delegate functions to a council and/or an officer or employee of a council. Under Section 59 of the Act, the Minister has delegated the plan making powers with respect to the Planning Proposal to Council.

At its meeting on 19 December 2012, Council resolved to formally accept the plan making delegations and delegate the plan making functions to the General Manager. Acknowledgement of Council's resolution was received from the then DP&I on 3 March 2013.

Should Council resolve to adopt the Planning Proposal, the next step involves the forwarding of all relevant documentation, including a copy of Council's assessment report (i.e. details of community consultation, responses to submissions, maps, a copy of the Opinion from Parliamentary Counsel Office, any other relevant material, and the completed delegation reporting template) to the Department.

The Department will then arrange for the Plan to be notified on the NSW Government legislation website.

CONSULTATION

In accordance with the Gateway Determination, the Planning Proposal was exhibited for a minimum period of 28 days in accordance with the Consultation Strategy outlined in the Planning Proposal. The Consultation Strategy included letters to adjoining property owners and relevant public authorities advising of the exhibition. The exhibition also involved advertisements in local newspapers, Council's website and displays at Council's Administration Centre and local branch libraries.

BUDGET

There are no budgetary implications associated with this Report.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The Planning Proposal to rezone No. 99 New Line Road, Cherrybrook to RE2 (Private Recreation) to facilitate the construction of a car park was exhibited from 11 March 2014 to 11 April 2014. A total of 2 submissions were received from Public Authorities, neither of which objected to the rezoning. As there is no concern with obtaining direct access to New Line Road, design matters may be appropriately addressed at the development application stage with further consultation with Roads and Maritime Services should the rezoning proceed. Accordingly, it is recommended that in accordance with the instrument of delegations under Section 59 of the *EP&A Act*, Council adopt the exhibited Planning Proposal and proceed with the making of the plan.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Strategic Planning – Fletcher Rayner – who can be contacted on 9847 6744.

FLETCHER RAYNER
MANAGER - STRATEGIC PLANNING
PLANNING DIVISION

JAMES FARRINGTON
GROUP MANAGER
PLANNING DIVISION

ATTACHMENTS:

1. Planning Proposal for No. 99 New Line Road, Cherrybrook

File Reference: F2013/00511

Document Number: D02984433

16 PL38/14 Report on Submissions - Rezoning of 99 New Line Road, Cherrybrook
(F2013/00511)

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR BERMAN,
THAT:

1. Council forward the Planning Proposal attached to Group Manager's Report No. PL38/14 to rezone property No. 99 New Line Road, Cherrybrook from R2 (Low Density Residential) to RE2 (Private Recreation) to the Minister for Planning for gazettal.
2. In accordance with the plan making powers delegated to Council, the General Manager exercise the functions of the Minister for Planning and proceed to make the plan.
3. All persons who made submissions be advised of Council's resolution.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, COX, GALLAGHER, HUTCHENCE,
 RUSSELL, SINGH AND TILBURY

AGAINST: NIL

17 PL32/14 Report on Submissions - Section 94 Contributions for Granny Flats
(F2010/00015-02)

Mr Mark Cambourn, of Hornsby, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR TILBURY, seconded by COUNCILLOR
HUTCHENCE,

THAT:

1. Council adopt the amended Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021 attached to Group Manager's Report No. PL32/14.
2. For applications lodged after 5 September 2013, a refund be provided to applicants who have paid Section 94 contributions for a secondary dwelling (granny flat). The refund being the difference between the paid amount and new rate for secondary dwellings.
3. All persons who made a submission be advised of Council's decision.

FOR: COUNCILLORS ANISSE, AZIZI, BERMAN, COX, GALLAGHER, HUTCHENCE,
 RUSSELL, SINGH AND TILBURY

AGAINST: NIL

18 PL41/14 Hornsby West Side Planning Proposal - After Exhibition
(F2011/00441-02)

This is page 12 of the Minutes of the General Meeting of Hornsby Shire Council held on 11 June 2014.

GENERAL MANAGER

CHAIRMAN