

PLANNING PROPOSAL

No. 2/2013

**Property No. 99 New Line Road
Cherrybrook**



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Introduction

This Planning Proposal explains the intent of, and justification for, the proposed amendment to *Hornsby Local Environmental Plan 2013 (Hornsby LEP 2013)* for site No. 99 New Line Road, Cherrybrook.

The site is owned by the West Pennant Hills Sports Club and is located on the western side of New Line Road, approximately 25m south of the Club's existing land holdings at No. 103-109 New Line Road, Cherrybrook. The Club intends to use the site as a car park ancillary to the current and the future operations of the Club premises.

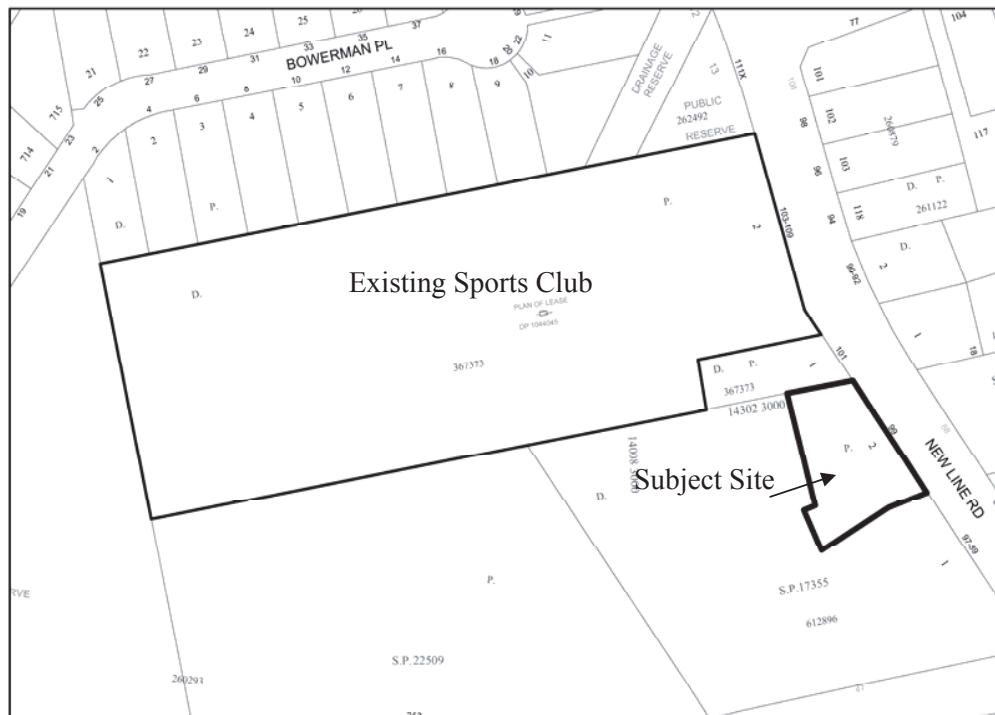


Figure 1 Location of existing West Pennant Hills Sports Club and Subject Site

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and guidelines published by the Department of Planning and Infrastructure in October 2012, namely 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans'.

The Planning Proposal details the extent to which the proposal satisfies mandatory legislation, planning policies and environmental considerations. The main categories include:

Part 1 – Statement of objectives and intended outcomes

Part 2 – Explanation of provisions of how the objectives or intended outcomes are to be achieved

Part 3 – Justification for the proposal

Part 4 – Mapping details

Part 5 – Community consultation

Part 6 – Anticipated project timeline

Background

This Planning Proposal is an amendment to the planning controls in the *Hornsby LEP 2013* for the site listed in Table 1. The summary and justification for the changes is addressed in the following pages.

Site	Property Description
99 New Line Road, Cherrybrook	Lot 2, D.P. 612896

Table 1 - Site Description

History

The West Pennant Hills Sports Club is an established facility within the Cherrybrook community and has been a focal point for local recreational and sporting groups for over 40 years. The Club currently serves over 9,000 members and supports a number of community and sporting groups within the local community. Current club facilities include a licensed club, two bowling greens, three (3) all-weather tennis courts, ancillary outbuildings and cricket nets.

In 2008, Development Consent DA/1046/2007 was issued for a master plan redevelopment of the Club's site involving the renovation of the existing clubhouse and grounds.

In 2011, the Club purchased the neighbouring residential site, No. 99 New Line Road with the view to utilising the now vacant block for overflow parking.

In June 2011, Development Approval (DA/477/2011) was granted for demolition of existing buildings on No. 99 New Line Road. The buildings were subsequently demolished.

In 2012, DEM Pty Ltd lodged an application on behalf of the Club with Hornsby Council, seeking rezoning of No. 99 New Line Road under the then *Comprehensive Draft LEP 2013* to enable the site to be used as a car park.

As Council indicated in its report on submissions, such requests were beyond the scope of a "like for like" zoning translation, which was the intent of the *Draft Hornsby LEP*. Council engaged an independent planning consultant to review the individual rezoning requests and make recommendations via an Issues Paper. In relation to the subject site the independent planning consultant assessed the Club's submission and advised as follows:-

"Although containing recreation facilities, the primary activity of the West Pennant Hills Sports Club is as a registered club which is prohibited under the current zoning and as well as the proposed zoning.

The use of R2 zoned land as a car park ancillary to the club would also be prohibited.

It is noted that No. 99 New Line Road is surrounded by medium density development to the south and west and a privately owned detached dwelling to the north. Rezoning of the site as requested has the potential to isolate and significantly impact upon adjacent properties.

Any consideration of a rezoning of the site to enable development as a car park in association with the registered club would need to address the future amenity of those properties.

Should Council pursue the reclassification of 111-113 New Line Road, a rezoning of the land could be considered in conjunction with that process, however, it is not considered appropriate without consideration of a comprehensive Planning Proposal."

Following review of the *Draft LEP* submissions, Hornsby Council subsequently resolved on 19 December 2012 to:

(Schedule A – Point 5) "Invite the submission of a formal Planning Proposal to be accompanied by the necessary studies and evaluation fees for consideration on its merits in relation to the following requests for rezoning/changes to development standards....

To rezone the R2 Low Density Residential zoned land at property No. 99 New Line Road, Cherrybrook to RE2 Private Recreation to facilitate the construction of an at grade car park that supplements existing parking at the West Pennant Hills Sports Club".

In October 2013, the proponent DEM Pty Ltd lodged a Planning Proposal with Council for the rezoning of the property to zone RE2 Private Recreation to facilitate a car park.

In December 2013, Council considered the Planning Proposal and resolved to forward it to the Department of Planning and Infrastructure seeking endorsement for exhibition (Appendix A). In accordance with Council's resolution, the Planning Proposal was forwarded to the Minister for a Gateway Determination.

In January 2014, the Department of Planning and Infrastructure issued a Gateway Determination with conditions. In accordance with the Gateway Determination, the Planning Proposal was exhibited from 11 March 2014 to 11 April 2014.

At its meeting on 11 June 2014, Council considered Group Manager's Report No. PL38/14 (Appendix B) which presented a report on submissions received to the exhibition of the Planning Proposal. Council resolved to forward the Planning Proposal to the Minister for Planning for gazettal.

Proposal

The Planning Proposal, submitted by the proponent DEM Pty Ltd on behalf of the West Pennant Hills Sports Club, seeks to rezone the site from zone R2 Low Density Residential to zone RE2 Private Recreation. The zone R2 Low Density Residential does not permit 'carparks' nor any activity ancillary to 'registered clubs'. The zone RE2 Private Recreation permits 'carparks' and 'registered clubs'.

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.

An indicative concept plan illustrating how the site could be configured for car parking is attached to this Planning Proposal (Appendix C). Whilst the design of the car park will not be finalised until the submission of a Development Application, the applicant has identified that the final design would include the following features:

- Appropriate boundary setbacks to separate the car park from adjoining dwellings; and
- Perimeter landscaping and fencing to visually screen and buffer acoustic and light impacts from the car park to separate the car park from adjoining dwellings.

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.

The preparation of a Planning Proposal is the first step in the process of requesting changes to a planning instrument. The initial Gateway Determination will confirm the technical studies and community consultation required to support the proposal. As additional investigation and consultation is undertaken, relevant parts of the planning proposal will be updated, amended and embellished.

The proponents Planning Proposal prepared by DEM Pty Ltd is accompanied by the following information:

- Political donations form confirming that no political donations have been made by the Club;
- Survey plan;
- Indicative car park layout; and
- Traffic Report (Transport and Traffic Planning Associates).

In accordance with usual practice, the proponent's Planning Proposal has been re-drafted by Council to enable additional information to be included for submission to the Department's LEP Review Panel. The re-drafted Planning Proposal includes the applicant's Survey Plan (Appendix D), indicative car park layout (Appendix C) and Traffic Report (Appendix E).

Land to which the Planning Proposal Applies

No. 99 New Line Road has a total site area of 1,680 m². A survey plan depicting the site with the previous building improvements is attached (Appendix D).

The land is currently cleared, having previously accommodated an old single storey weatherboard cottage and garage. The buildings were demolished by the Club in accordance with Council approval granted on 9 June 2011 (DA/477/2011).

The site is affected by an easement for transmission line and restrictions on the use of the land created by DP 612896.

The physical and locational characteristics of the site and its surrounds are as follows:

- Located on the western side of New Line Road, approximately 100m south of Cedarwood Drive and 150m north of Edward Bennett Drive, Cherrybrook;
- The site is gentle to moderate sloping with a fall from the south-eastern street corner to the north-western rear boundary of 1 in 30;
- Adjoins medium density development to the west and south;
- A single dwelling house (No. 101) is located immediately to the north and separates the subject site from the primary landholding of the Club; and
- Located on a major road corridor linking Castle Hill Road and the north west of Sydney.

The subject site is identified in Figure 2 below.



Part 1: Objectives/Intended Outcome

Under Section 55 (1) of the *EPA Act 1979* an explanation of what is planned to be achieved by the proposed amendment to *HLEP 2013* is required to be provided.

The purpose of the Planning Proposal is to seek a rezoning of No. 99 New Line Road, Cherrybrook to RE2 Private Recreation.

The Club advises that the intended outcome of the rezoning is to provide an additional new car parking area to be used in conjunction with the existing Club at No. 103-109 New Line Road.

The Club advises that the rezoning will be the first step towards planning for the future consolidation of No. 99 with the existing larger RE2 landholding, should the intervening parcel No. 101 become available, which ultimately will facilitate a more functional and cohesive landholding.

Part 2: Explanation of Provisions

The subject site is proposed to be zoned RE2 Private Recreation to facilitate the development of a 'car park' ancillary to the existing 'registered club' at No. 103-109 New Line Road, Cherrybrook.

The *Hornsby LEP 2013* currently specifies a maximum height of 8.5m for the subject land and a minimum lot size of 500m². Should the proposal proceed, the RE2 zone does not require a minimum lot size or building height control in accordance with the Standard Technical Requirements for LEP Maps issued by the DP&I. Accordingly the following maps will also need to be amended to achieve the proposed outcomes. The Planning Proposal seeks to provide planning controls for the subject site as shown in the maps listed below. Copies of the proposed maps are provided in Part 4 of this Planning Proposal.

Land Zoning Map - Shows the land zoning that applies to the site.

Height of Buildings Map - Shows the maximum permitted height in metres of new development.

Minimum Lot Size Map - Shows the minimum lot size requirement for subdivision.

Extracts of each of the proposed maps are provided below.

A. Existing Land Zoning Map

The subject site is currently zoned R2 Low Density Residential. The neighbouring Club site and the adjoining private dwelling at No. 101 New Line Road are zoned RE2 Private Recreation zone under *Hornsby LEP 2013* (see Figure 3)

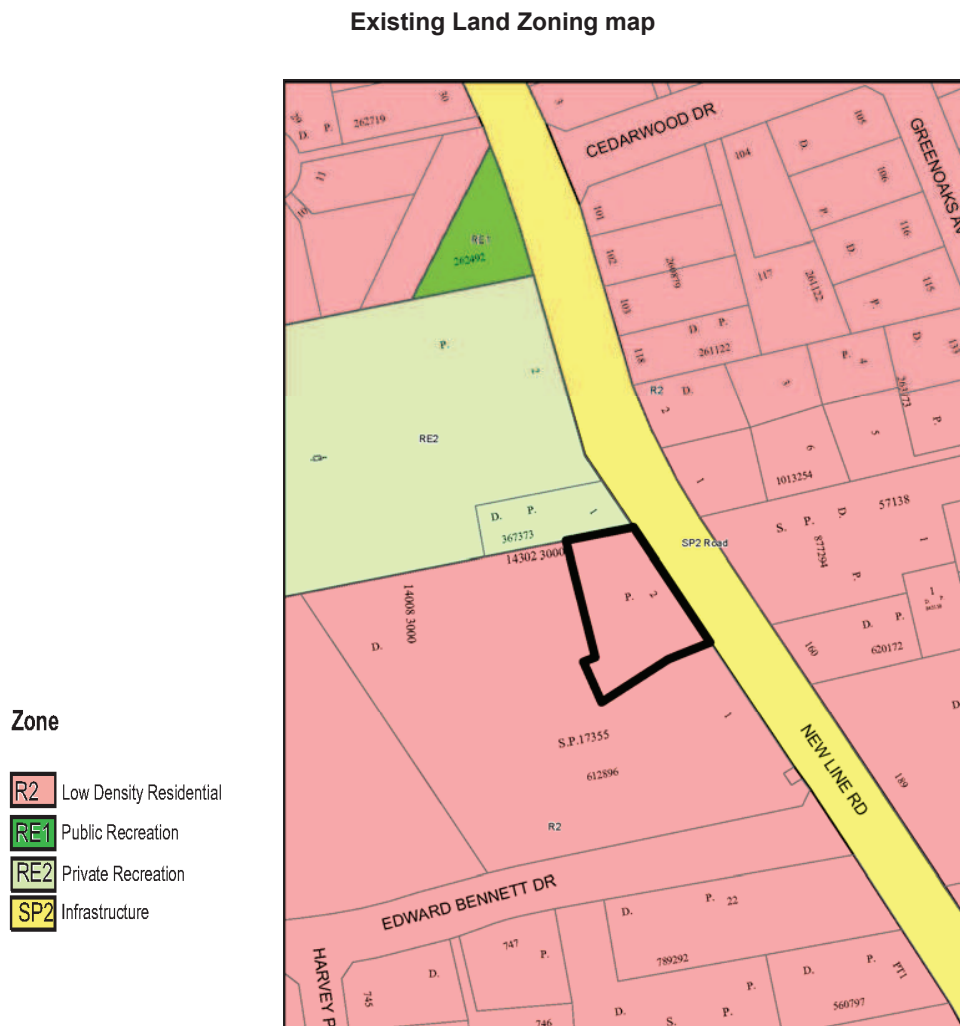


Figure 3: Extract Map No. 10 – Existing Land Zoning Map - No. 99 New Line Road, Cherrybrook

B. Proposed Land Zoning Map

This Planning Proposal seeks to amend *Hornsby LEP 2013* by rezoning No. 99 to zone RE2 Private Recreation (see Figure 4).

Proposed Land Zoning map

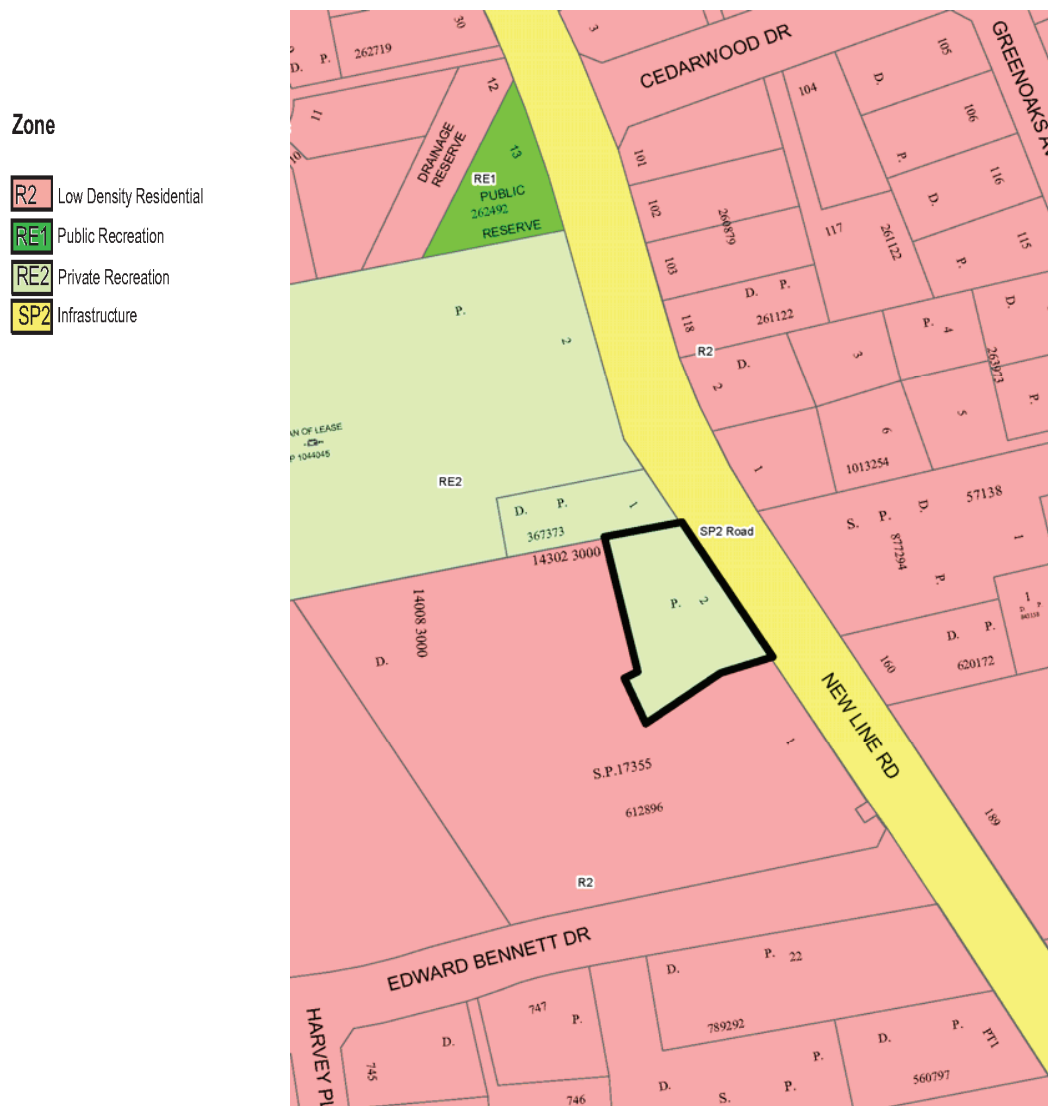


Figure 4: Extract Map No. 10 – Proposed Land Zoning Map - No. 99 New Line Road, Cherrybrook

C. Existing Height of Buildings Map

A 8.5m maximum height of building applies to zone R2 Low Density Residential under the *Hornsby LEP 2013* (see Figure 5).



Figure 5: Extract Map No. 10 – Existing Height of Buildings Map - No. 99 New Line Road, Cherrybrook

Land zoned RE2 Private Recreation does not have a height of building restriction under the *Hornsby LEP 2013*. Accordingly, the relevant Height of Buildings Map will also need to be amended (see Figure 6).



Figure 6: Extract Map No. 10 – Proposed Height of Buildings Map - No. 99 New Line Road, Cherrybrook

E. Existing Minimum Lot Size Map

A 500 sqm minimum lot size requirement applies to zone R2 Low Density Residential under the *Hornsby LEP 2013* (see Figure 7).



Figure 7: Extract Map No. 10 – Existing Lot Size Map - No. 99 New Line Road, Cherrybrook

Land zoned RE2 Private Recreation does not have a minimum lot size requirement under the *Hornsby LEP 2013*. Accordingly, the relevant Minimum Lot Size Map will also need to be amended (see Figure 8).

Minimum Lot Size (sq m)



500



Planning Proposal – 99 New Line Road Cherrybrook – Version 4 – July 2014

Part 3 – Justification

This section provides justification for the proposed outcomes and is based on a series of questions outlined in the Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* 2012. Heads of consideration include the need for the planning proposal from a strategic planning viewpoint, implications for State and Commonwealth agencies and environmental, social and economic impacts.

Section A - Need for the planning proposal

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

No.

The Planning Proposal is not a result of a strategic study or report. As noted in the background to this report, the Club requested the rezoning of the site via a submission to the exhibited *Draft LEP*. Council resolved on 19 December 2012 to invite the Club to lodge a separate planning proposal to rezone the site which would be considered on its merits.

The suitability of the site for a private recreation zoning is discussed later in the Planning Proposal.

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 only legal means of enabling the site to be developed in line with the existing registered club's operations. The proposal will result in a logical extension to the zone RE2 Private Recreation which covers the neighbouring property and the existing Club premises.

Section B - Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes.

The State Government released the draft *Metropolitan Strategy for Sydney 2031* for public exhibition in March 2013. Once finalised, the *draft Strategy* will replace the *Metropolitan Plan for Sydney 2036*. However, until that time, the *Metropolitan Plan for Sydney 2036* is the applicable adopted strategy. In assessing the consistency of this Planning Proposal with metropolitan wide objectives, both adopted and new draft strategies have been considered. The consistency of this Planning Proposal with both draft and adopted metropolitan strategic strategies and the draft North Subregional Strategy is explained in detail in Tables 2 to 4 below.

Consistency with Metropolitan Plan for Sydney 2036	
Action	Consistency
H1.1 Promote equity, liveability and social inclusion. Ensure local open space and social infrastructure to be adequate, accessible and appropriate	The Planning Proposal will provide improved accessible car parking to be used in conjunction with facilities provided by the existing Recreation Club. Whilst the Strategy is primarily related to public open space and cultural facilities, local residents use the West Pennant Hills Sports Club as a community and recreation resource. Therefore, additional parking facilities are consistent with the Strategy's objectives of promoting access to adequate, accessible and appropriate social and recreational infrastructure.
H1.4 Ensure consideration of the mobility, accessibility, social and recreational needs of all members of the community in decision making	
H2.3: Deliver and manage parks, playing fields and public spaces to cater for community's current and future needs	
H3.1: Design and plan for healthy, safe accessible and inclusive places	

Table 2 – Consistency with Metropolitan Plan for Sydney 2036

Consistency with draft Metropolitan Plan for Sydney to 2031	
Objective	Consistency
8: Create socially inclusive places that promote social, cultural and recreational opportunities	The Planning Proposal will provide improved accessible car parking to be used in conjunction with facilities provided by the existing Recreation Club. Whilst the Strategy is primarily related to public open space and cultural facilities, local residents use the West Pennant Hills Sports Club as a community and recreation resource.
9: Deliver accessible and adaptable recreational and open space	

	Therefore, additional parking facilities are consistent with the draft Strategy's objectives of promoting access to adequate, accessible and appropriate social and recreational infrastructure.
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Table 3– Consistency with draft Metropolitan Plan for Sydney to 2031

Consistency with draft North Subregional Strategy	
Strategy F: Parks, Public Places and Culture	Consistency
F1: Increase access to quality parks and public places	The Planning Proposal will provide improved accessible car parking to be used in conjunction with facilities provided by the existing Recreation Club.
F2: Improve the Quality of Local Open Space	Whilst the Strategy is primarily related to public open space and cultural facilities, local residents use the West Pennant Hills Sports Club as a community and recreation resource. Therefore, additional parking facilities are consistent with the Strategy's objectives of promoting access to adequate, accessible and appropriate recreation supporting the social and recreational needs of an expanding population in the Northern Subregion.

Table 4 – Consistency with draft North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* and Draft North Subregional provides a long term planning framework based on strategic directions for the future growth of Sydney. The Planning Proposal is consistent primarily with the Strategy's aims for a "Liveable City", namely:-

- To create socially inclusive places that encourage people to come together formally and informally and stimulate cultural and recreation activities; and
- To deliver accessible and adaptable recreation and open spaces that everyone can enjoy.

The West Pennant Hills Sports Club, through its master plan redevelopment, is seeking to support the social and recreational demands of an expanding residential population in the Northern Subregion. This Planning Proposal will assist the Club in strengthening its presence as a local community and recreational hub, as well as streamline on site operations.

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

Yes.

Hornsby Council's Community Plan 2013-2023 is a 10 year vision that identifies the main priorities and aspirations for the future of the Hornsby Shire and is Council's long term plan to deliver the best possible services for the Shire. The Hornsby Shire Community Plan Key outcomes identified by the Community Plan include promoting opportunities for residents to participate in sporting and recreational facilities and providing infrastructure and services to serve the current and future recreational needs of the community.

The Planning Proposal is consistent with the specific strategic aims and goals to enhance the social and community well being by meeting diverse community needs and creating a strong sense of belonging and supporting healthy interactive communities. In this regard the Club has maintained a long standing relationship with the Cherrybrook community and intends to reinforce and strengthen its role in the region through its master plan redevelopment. The provision of additional parking for the Club is consistent with the key outcomes identified by the Community Plan.

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

The consistency of the Planning Proposal with applicable State Environmental Planning Policies (SEPPs) is outlined in Table 5. Table 6 shows the consistency of the Planning proposal with former Regional Environmental Plans (REPs) for the Greater Metropolitan Region, which are deemed to have the weight of the SEPPs.

SEPP Title	Comment
SEPP 1 - Development Standards	Consistent – The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP 2 - Minimum Standards for Residential Flat Development	Repealed
SEPP 3 - Castlereagh Liquid Waste Disposal Depot	Repealed
SEPP 4 - Development Without Consent and Miscellaneous Complying Development	Not applicable
SEPP 6 - Number of Storeys in a Building	Consistent – The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
SEPP 7 - Port Kembla Coal Loader	Repealed
SEPP 8 - Surplus Public Land	Repealed
SEPP 9 - Group Homes	Repealed
SEPP 10 - Retention of Low-Cost Rental Accommodation	Repealed
SEPP 11 - Traffic Generating Developments	Repealed
SEPP 12 - Public Housing (Dwelling Houses)	Repealed
SEPP 13. Sydney Heliport	Repealed
SEPP 14. Coastal Wetlands	Not applicable

Table 5 – Consistency with State Environmental Planning Policies (SEPPs)

SEPP Title - cont	Comment
SEPP 16. Tertiary Institutions	Repealed
SEPP 17. Design of Building in Certain Business Centres	Not Made
SEPP 18. Public Housing	Not Made
SEPP 19. Bushland in Urban Areas	Not applicable
SEPP 20. Minimum Standards for Residential Flat Development	Repealed
SEPP 21. Moveable Dwellings	Not applicable
SEPP 22. Shops and Commercial Premises	Not applicable
SEPP 24. State Roads	Not Made
SEPP 25. Residential Allotment Sizes	Repealed
SEPP 26. Littoral Rainforests	Not applicable
SEPP 27. Prison Sites	Repealed
SEPP 28. Town Houses and Villa Houses	Repealed
SEPP 29. Western Sydney Recreational Area	Not applicable
SEPP 30. Intensive Agriculture	Not applicable
SEPP 31. Sydney (Kingsford Smith) Airport	Repealed
SEPP 32. Urban Consolidation (Redevelopment of Urban Land)	Not applicable
SEPP 33. Hazardous and Offensive Development	Not applicable
SEPP 34. Major Employment Generating Industrial Development	Repealed
SEPP 35. Maintenance Dredging of Tidal Waterways	Repealed
SEPP 36. Manufactured Home Estates	Not applicable
SEPP 37. Continued Mines and Extractive Industries	Repealed
SEPP 38. Olympic Games and Related Development Proposals	Repealed
SEPP 39. Spit Island Bird Habitat	Not applicable
SEPP 40. Sewerage Works	Not Made
SEPP 41. Casino/Entertainment Complex	Not applicable
SEPP 42. Multiple Occupancy and Rural Land (Repeal)	Repealed
SEPP 43. New Southern Railway	Repealed
SEPP 44. Koala Habitat Protection	Not applicable
SEPP 45. Permissibility of Mining	Repealed
SEPP 46. Protection and Management of Native Vegetation	Repealed
SEPP 47. Moore Park Showground	Not applicable
SEPP 48. Major Putrescible Landfill sites	Repealed
SEPP 50. Canal Estates	Not applicable
SEPP 51. Eastern Distributor	Repealed
SEPP 52. Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP 53. Metropolitan Residential Development	Repealed
SEPP 54. Northside Storage Tunnel	Repealed
SEPP 55. Remediation of Land	The Planning Proposal is consistent with SEPP 55. The land has been previously used for residential development. Any potential contamination would be considered at the Development Application stage.
SEPP 56. Sydney Harbour Foreshores and Tributaries	Repealed

Table 5 – Consistency with State Environmental Planning Policies (SEPPs)

SEPP Title - Cont	Comment
SEPP 58. Protecting Sydney's Water Supply	Repealed
SEPP 59. Central Western Sydney Economic and Employment Area	Not applicable
SEPP 60. Exempt and Complying Development	Not applicable
SEPP 61. Exempt and Complying Development for White Bay and Glebe Island Ports	Repealed
SEPP 62. Sustainable Aquaculture	Not applicable
SEPP 63. Major Transport Projects	Repealed
SEPP 64. Advertising and Signage	Not applicable
SEPP 65. Design Quality of Residential Flat Development	Not applicable
SEPP 67. Macquarie Generation Industrial Development	Repealed
SEPP 68. Not Allocated	
SEPP 69. Major Electricity Supply Projects	Repealed
SEPP 70. Affordable Housing (Revised Schemes)	N/A
SEPP 71. Coastal Protection	N/A
SEPP 72. Linear Telecommunications Development – Broadband	Repealed
SEPP 73. Kosciuszko Ski Resorts	Repealed
SEPP 74. Newcastle Port and Employment Lands	Repealed
SEPP 1989. Penrith Lakes Scheme	Not applicable
SEPP 2004. Housing for Seniors or People with a Disability	Not applicable
SEPP 2004. Building Sustainability Index: BASIX	Not applicable
SEPP 2004. ARTC Rail Infrastructure	Repealed
SEPP 2004. Sydney Metropolitan Water Supply	Repealed
SEPP 2005. Development on Kurnell Peninsula	Not applicable
SEPP 2005. Major Development	Not applicable
SEPP 2006. Sydney Region Growth Centres	Not applicable
SEPP 2007. Mining, Petroleum Production and Extractive Industries	Not applicable
SEPP 2007. Temporary Structures	Not applicable
SEPP 2007. Infrastructure	Not applicable
SEPP 2007. Kosciuszko National Park – Alpine Resorts	Not applicable
SEPP 2008. Rural Lands	Not applicable
SEPP 2008. Exempt and Complying Development Codes	Not applicable
SEPP 2009. Western Sydney Parklands	Not applicable
SEPP 2009. Affordable Rental Housing	Not applicable
SEPP 2009. Western Sydney Employment Area	Not applicable
SEPP 2009. Affordable Rental Housing	Not applicable
SEPP 2010. Urban Renewal	Not applicable
SEPP 2011. Sydney Drinking Water Catchment	Not applicable
SEPP 2011. State and Regional Development	Not applicable

Table 5 – Consistency with State Environmental Planning Policies (SEPPs)

Sydney Regional Plans (deemed SEPPs)	Comment
SREP 1. Dual Occupancy	Repealed
SREP 2. Dual Occupancy	Repealed
SREP 3. Kurnell Peninsula	Repealed
SREP 4. Homebush Bay	Repealed
SREP 5. Chatswood Town Centre	Not applicable
SREP 6. Gosford Coastal Areas	Repealed
SREP 7. Multi-Unit Housing – Surplus Government Sites	Repealed
SREP 8. Central Coast Plateau Areas	Not applicable
SREP 9. Extractive Industry (No. 2)	Not applicable
SREP 10. Blue Mountains Regional Open Space	Repealed
SREP 11. Penrith Lakes Scheme	Not applicable
SREP 12. Dual Occupancy	Repealed
SREP 13. Mulgoa Valley	Not applicable
SREP 14. Eastern Beaches	Repealed
SREP 15. Terrey Hills	Repealed
SREP 16. Walsh Bay	Not applicable
SREP 17. Kurnell Peninsula	Not applicable
SREP 18. Public Transport Corridor	Not applicable
SREP 19. Rouse Hill Development Area	Not applicable
SREP 20. Hawkesbury Nepean River (No. 2 – 1997)	The Planning Proposal does not involve environmentally sensitive areas within the Hawkesbury-Nepean catchment (including the river, riparian land, escarpments and other scenic areas, national parks, wetlands, and significant floral and faunal habitats).
SREP 21. Warringah Urban Release Area	Repealed
SREP 22. Parramatta River	Repealed
SREP 23. Sydney and Middle Harbours	Repealed
SREP 24. Homebush Bay Area	Not applicable
SREP 25. Orchard Hills	Not applicable
SREP 26. City West	Not applicable
SREP 27. Wollondilly Regional Open Space	Repealed
SREP 28. Parramatta	Not applicable
SREP 29. Rhodes Peninsula	Not applicable
SREP 30. St Marys	Not applicable
SREP 31. Regional Parklands	Repealed
SREP 33. Cooks Cove	Not applicable
SREP 2005. Sydney Harbour Catchment	Not applicable

Table 6 – Consistency with former Sydney and Greater Metropolitan Regional Plans (REPs)

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

The Planning Proposal has been assessed against each Section 117 direction as shown in the table below:

No.	Section 117 Direction	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. Environment and Heritage		
2.1	Environmental Protection Zones	The site has not been identified as being an environmentally sensitive area.
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	The site has not been identified as being of heritage significance.
2.4	Recreation Vehicle Areas	Not applicable
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Consistent. The subject site is currently located within a residential zone and is located within an established residential area with existing infrastructure and services. Whilst the proposal involves the loss of residential land in Cherrybrook, the rezoning is unlikely to affect the supply and variety of housing given that the land is impacted by existing restrictions and generally unsuitable for medium density housing. The land does not form part of Council's Housing Strategy and is not required to achieve Council's housing targets under the existing or draft Metropolitan Strategy. Therefore, the Planning Proposal is consistent with the Direction.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable

Table 7 – Consistency with Section 117 Directions

No.	Section 117 Direction (cont)	Comment
3. Housing, Infrastructure and Urban Development - Cont		
3.4	Integrating Land Use and Transport	Consistent. The Planning Proposal will provide improved accessible car parking to be used in conjunction with facilities currently provided by the Recreation Club. The proposal will not generate additional demand for parking but will 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. Therefore, the Planning Proposal is consistent with the Direction.
3.5	Development near licensed Aerodromes	Not applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Consistent. The Planning Proposal does not contradict or hinder application of acid sulphate soil provisions in <i>Hornsby LEP 2013</i>.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. The Planning Proposal does not contradict or hinder application of flood prone land provisions in <i>Hornsby LEP 2013</i>.
4.4	Planning for Bushfire Protection	Consistent. The Planning proposal will not affect any land identified as being bushfire prone.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable
5.6	Sydney to Canberra Corridor	Not applicable
5.7	Central Coast	Not applicable
5.8	Sydney Second Airport: Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable

Table 7 – Consistency with Section 117 Directions

No.	Section 117 Direction (cont)	Comment
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. The Planning Proposal does not include any provisions that would require the concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	The Planning Proposal will not affect any land reserved for a public purpose.
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Consistent. The Planning Proposal does not contradict or hinder application of the <i>Metropolitan Plan for Sydney 2036</i> .

Table 7 – Consistency with Section 117 Directions

Section C - Environmental, social and economic impact

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

The Planning Proposal does not apply to land that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

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

Drainage

Preliminary investigation by Council engineers has identified a history of stormwater inundation in the locality. The site's north-western corner of the property is lower than the curb height of New Line Road. As a result, stormwater naturally flows through the adjoining property at No. 47 Edward Bennett Drive. Any increase in hard stand area would require the management of stormwater runoff, an on site stormwater detention and inter-allotment drainage with the adjoining down stream property.

The Hornsby Development Control Plan (DCP) 2013 does not require inter-allotment drainage for single dwellings on existing lots. However, the proposed rezoning and development of a car park would require the Club to negotiate the creation of an easement over the adjoining down stream property for drainage purposes at the development application stage.

Traffic and Access

The Club currently provides on site car parking for up to 154 cars which are accessed by separate entry and existing driveways located on the New Line Road frontage. The approved master plan (DA/1046/2007/B) provides for the staged expansion of the Club including increased car parking from 154 spaces to 388 spaces. New access arrangements to support the approved development include a 'sea gull' island treatment on New Line Road and pedestrian refuge island to control access.

To assist in addressing potential traffic and parking issues associated with the proposal to provide a new car park, the Club engaged Transport and Traffic Planning Associates (TTPA) (Appendix E) to:

- Evaluate the road network serving the site and the prevailing traffic conditions in the vicinity of the Club;
- Assess the proposed parking provision and the stand alone nature of additional car parking created for the Club;
- Assess the suitability of the proposed vehicle access and internal circulation arrangements; and
- Assess the potential traffic implications of the envisaged supplementary car parking.

In summary, the Report prepared by TTPA identified that:-

- Traffic generation from the additional 42 parking spaces is identified by the report to be minor and will not result in any unsatisfactory traffic implications.
- The future access arrangement to the new car park would be via a new 5.5m wide combined ingress / egress driveway located towards the southern boundary of the subject property. Vehicle movements would be restricted to left in / left out and would comply with relevant sight distances.
- Whilst there exists the ability to cater for fully compliant and sufficient on-site parking within the Club's existing site at No. 103 New Line Road, the proposed rezoning of No. 99 New Line Road will provide the Club with additional parking beyond parking code requirements and will further help encourage patrons to park within the Club's designated on-site parking areas and not in surrounding local streets.
- Additional over code parking will also provide the Club additional flexibility for staff parking at peak trading times enabling extra member and guest parking to be catered for in the main car park area adjacent Club entry points during special event occasions or busy periods further eliminating the possibilities of patrons parking in surrounding local streets for their own convenience.

In accordance with the Gateway Determination, the Roads and Maritime Services (RMS) were consulted to confirm their requirements. RMS raised no objections to the Planning Proposal and provided the following comments:

1. The minimum access driveway width should be 5.5 metres for at least 6 metres from the property line as per AS2890.1:2004.
2. Vehicles are to be restricted to left-in left-out movements to/from the proposed car park. The left-in and left-out restriction needs to be enforced by providing a concrete median along the centre line of New Line Road.
3. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
4. All vehicles are to enter and leave the site in a forward direction.
5. All redundant driveways shall be removed and replaced with kerb and gutter to RMS requirements.

As the RMS have no concern with obtaining direct access to New Line Road, the concept design for the car park submitted with the Planning Proposal may be further reviewed at the development application stage to ensure the design meets Council's requirements.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The Planning Proposal to create additional new parking is not required to support the Club's approved master plan consent. The previous master plan approval required that the Club provide all parking for staff and patrons on site at all times during the construction stages. To confirm this outcome, the applicant has provided the approved Construction Traffic and Pedestrian Management Plan for the master plan that details how each stage of development will meet relevant parking requirements without impacting the public domain. The Management Plan forms part of Appendix E.

The proponent advises that the proposal to provide additional parking is not required to address a deficiency in parking but to provide for 'overflow' parking. The following benefits of additional parking are provided:

- Long term flexibility with managing the parking needs of patrons and staff during peak periods,
- Provides for the various sporting and community groups who use the Club's facilities; and
- Provides for users of the adjoining Edward Bennett Oval who commonly use the Club's parking facilities.

Additional parking would also address previous concerns raised by local residents during the assessment of the master plan that Club patrons were parking in local streets despite the Club having compliant parking provision.

There will be long term community benefits arising from the rejuvenation of the Club and its ancillary works for the Cherrybrook community and its future populations. The expansion will strengthen the Club's presence in the community, reinforcing its long term commitment to the social, cultural and sporting wellbeing of the region.

Whilst the exact car park design is yet to be determined, it is acknowledged that the site's residential location would require consideration of potential impacts on neighbours such as vehicle and human noise, security, light disturbance and visual impact.

However, it is anticipated that both design and operational measures are feasible that will mitigate any potential impacts on neighbouring residences. Issues such as security, acoustic, light spill and privacy were all identified, assessed and mitigated through appropriate design measures and through Development Consent Conditions imposed by Council in respect of DA/1046/2007. Through design and operational measures, such issues can be adequately addressed and managed at the detailed DA stage in a similar fashion to the Club's existing master plan DA Consent.

Section D - State and Commonwealth interests

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

Yes.

Services are available in the vicinity of the subject site. The car park proposal will not impose any additional demands on local infrastructure, public or community services. Issues regarding stormwater disposal and access from the adjoining arterial road are discussed under Section C.

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

In accordance with the Consultation Strategy (Appendix F), a copy of the Planning Proposal and Gateway Determination was sent to Trade and Investment NSW – Office of Liquor, Gaming and Racing NSW; Transport for NSW – Roads and Maritime Services; and Transgrid.

TransGrid informed that their infrastructure is unaffected by this Planning Proposal and raised no objections. They note that there is a power line affecting the subject property and is subject solely to the restrictions of Ausgrid and not of TransGrid.

Roads and Maritime Services raised no objections to the Planning Proposal and provided traffic and access requirements. 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 Planning Proposal proceed.

Part 4 – Maps

The Planning Proposal seeks to amend the *Hornsby LEP* maps as proposed in the Table below:-

Map	No.	Requested Amendment
Land Zoning map	LZN_010 Date 18/12/13	Change zoning of No. 99 (Lot 2 DP 612896) to RE2 Private Recreation
Height of Buildings map	HOB_010 Date 18/12/13	Remove all building height restrictions from No. 99 (Lot 2 DP 612896)
Minimum Lot Size map	LSZ_010 Date 18/12/13	Remove all minimum lot size restrictions from No. 99 (Lot 2 DP 612896)

Table 8 – HLEP Maps to be amended.

Draft Maps LZN_010, HOB_010 and LSZ_010 are attached to this Planning Proposal.

Part 5 – Community Consultation

The Planning Proposal was informally exhibited 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.

In accordance with the Gateway Determination, the Planning Proposal was publicly exhibited from 11 March 2014 to 11 April 2014. The community consultation met the statutory requirements of the Gateway Determination including the requirement that the Planning Proposal be exhibited for 28 days. Consultation was also carried out in accordance with the attached Consultation Strategy (Appendix F). The Planning Proposal and documentation were displayed at Council's Administration Building, local branch libraries and Council's website. Letters were sent to all affected property owners and the relevant public authorities (Trade and Investment NSW – Office of Liquor, Gaming and Racing NSW; Transport for NSW – Roads and Maritime Services; and Transgrid). Two submissions were received in response to the exhibition of the Planning Proposal.

Part 6 – Project Timeline

Weeks after Gateway Determination	Item
0	Gateway Determination
8	Exhibition Start
13	Exhibition end
17	Consideration of submissions from exhibition
22	Report to Council on submissions and public hearing
24	Request draft instrument be prepared

Table 9 – Planning Proposal Timeline from Gateway