

Rezoning of 99 New Line Road, Cherrybrook from zone R2 - Low Density Residential to RE2 - Private Recreation.

Proposal Title :	Rezoning of 99 New Line Road, Cherrybrook from zone R2 - Low Density Residential to RE2 - Private Recreation.		
Proposal Summary :	Proposal to amend Hornsby LEP 2013 to rezone land at 99 New line Road, Cherrybrook from R2 - Low Density Residential to RE2 - Private Recreation, to permit use of the site as car parking for the nearby West Pennant Hills Sports Club.		
PP Number :	PP_2014_HORNS_001_00	Dop File No :	14/01095

Proposal Details

Date Planning Proposal Received :	06-Jan-2014	LGA covered :	Hornsby
Region :	Sydney Region West	RPA :	The Council of the Shire of Horn
State Electorate :	CASTLE HILL	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	99 New Line Road		
Suburb :	Cherrybrook	City :	Sydney
Land Parcel :	Lot 2 DP 612896	Postcode :	2126

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Terry Doran
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North subregion	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting Notes : The objective of the proposed rezoning is to enable the use of the site as a car park to serve the nearby West Pennant Hills Sports Club. The site is owned by the Club. Total site area is 1680 square metres.

Land adjoining the site to the north is zoned RE2 Private Recreation in Hornsby LEP 2013.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The intended outcome of the proposal is to provide an additional new car parking area to be used in conjunction with the existing West Pennant Hills Sports Club at 103-109 New Line Road.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The proposal is to amend the Land Zoning map of Hornsby LEP 2013 to zone the subject site RE2 Private Recreation. Amendments are also proposed to the Height of Building and Minimum Lot Size Maps to remove the existing development controls from the subject site.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

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6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards
SEPP No 6—Number of Storeys in a Building
SEPP No 55—Remediation of Land
SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

The planning proposal states that it is consistent with S. 117 direction 3.1 Residential Zones. However the Department is of the view that, as it proposes to rezone land where residential development is currently permitted, it may not be consistent with the requirement of the direction to "not contain provisions which will reduce the permissible residential density of land."

Given the small area of the site and the nature of the proposal, it is considered that any inconsistency is of minor significance.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Maps showing the proposed changes to LEP maps are included in Part 2 of the planning proposal. The proposed amended map sheets are also included with the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Public exhibition for a period of twenty-eight days is proposed. A consultation strategy is included as Appendix E of the planning proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Hornsby LEP 2013 is a Standard Instrument LEP. It commenced in October 2013.

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Assessment Criteria

Need for planning proposal :	A planning proposal to rezone the site is required to allow development of the site for car parking to serve the nearby West Pennant Hills Sports Club. Neither car parks nor registered clubs are permitted in the current R2 Low Density Residential zone, and therefore it is not possible to approve development for a car park, even where ancillary to the registered club use.
Consistency with strategic planning framework :	The proposal is not inconsistent with the strategic planning framework set out in the Government's Draft Metropolitan Plan for Sydney to 2031. The proposal states that additional car parking will improve accessibility to the Club, which is used as a community and recreation resource for the local area. This is consistent with the plan's objectives to "create socially inclusive places that promote social, cultural and recreational opportunities" and to "deliver accessible and adaptable recreational and open space." The proposed zoning is consistent with the zoning of the adjoining land to the north, which is zoned RE2 Private Recreation in Hornsby LEP 2013.
Environmental social economic impacts :	The site has not been identified as containing critical habitats or threatened species, populations or ecological communities. The planning proposal identifies that the area has a history of stormwater inundation. The planning proposal states that the applicant will be required to provide additional information to demonstrate an appropriate stormwater solution before the rezoning of the land is finalised. There may also be local traffic issues, which can be addressed through consultation with Roads and Maritime Services and at the development application stage. The proposal may have positive impacts on the local area by reducing the number of Club patrons parking on adjoining streets.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - s56(2)(d) :	Trade and Investment NSW - Office of Liquor, Gaming and Racing, NSW Transport for NSW - Roads and Maritime Services Transgrid		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Hornsby_cover_letter.pdf	Proposal Covering Letter	Yes
Hornsby_planning_proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **DELEGATION OF GATEWAY DETERMINATION**

As the matter is a 'spot' rezoning consistent with the zoning of adjoining land, it is of minor significance. It is recommended that the Gateway Determination function be delegated to the Director, Metropolitan Delivery (Parramatta).

DELEGATION OF PLAN-MAKING FUNCTION

Hornsby Shire Council has requested delegation of the plan-making function to Council. As the matter is of minor significance, it is recommended that the plan-making function be delegated to Council.

RECOMMENDATION AND GATEWAY CONDITIONS

SECTION 117 DIRECTIONS

The proposal may not be consistent with Section 117 Direction 3.1 Residential Zones. However given the small size of the site and the constraints on the site, any inconsistency is of minor significance. The approval of the delegate of the Director General is therefore required and is recommended.

Further, it is recommended that the proposal should proceed subject to the following conditions:

1. Consultation with the following public authorities:
 - Transport for NSW - Roads and Maritime Services
 - Trade and Investment NSW - Office of Liquor, Gaming and Racing, NSW
 - Transgrid.
2. Community consultation for a period of 28 days.

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3. The timeframe for completing the local environmental plan is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is to rezone a small parcel of land, owned by West Pennant Hills Sports Club, from R2 Low Density Residential to RE2 Private Recreation, to allow use as a car park to serve the Club. The proposed zoning is consistent with the zoning of adjoining land. While there may be minor impacts on traffic and stormwater, this can be resolved at development application stage.

Signature:



Printed Name:

T DORAN

Date:

14/1/14