

12 Schofields Parade, Pennant Hills

Proposal Title : 12 Schofields Parade, Pennant Hills

Proposal Summary : To rezone a site at 12 Schofield Parade, Pennant Hills, from SP2 Infrastructure (Group Home) to SP2 Infrastructure (Community Facility) to facilitate the development of educational day programs for people with a disability on the site.

PP Number : PP_2016_HORNS_001_00

Dop File No : 15/16327

Proposal Details

Date Planning : 24-Feb-2016

Proposal Received :

LGA covered :

Hornsby

Region : Metro(Parra)

RPA :

The Council of the Shire of Horn

State Electorate : HORNSBY

Section of the Act :

55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 12 Schofield Parade

Suburb : Pennant Hills

City :

Postcode : 2120

Land Parcel : Lot 1 DP 1018966

DoP Planning Officer Contact Details

Contact Name : Tessa Parmeter

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RPA Contact Details

Contact Name : Anton Zekanovic

Contact Number : 0298476762

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DoP Project Manager Contact Details

Contact Name : Terry Doran

Contact Number : 0298601579

Contact Email : terry.doran@planning.nsw.gov.au

Land Release Data

Growth Centre : N/A

Release Area Name :

N/A

Regional / Sub : Metro North subregion

Consistent with Strategy :

Yes

Regional Strategy :

MDP Number :		Date of Release :	
Area of Release (Ha)	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **As far as the regional team is aware, there have been no meetings or communications with registered lobbyists regarding this planning proposal.**

Supporting notes

Internal Supporting Notes : **Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.**

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The purpose of the planning proposal is to allow 'community facilities' to be permissible with development consent at 12 Schofield Parade, Pennant Hills, to facilitate the development of a 'day program' by the Department of Family and Community Services Ageing Disability and Home Care (DADHC) .**

Currently, a group home is permissible on the site. The change in land use would reduce the inherent bushfire risk associated with the current 'group home' use (the site is identified as bushfire prone) as it would no longer promote overnight accommodation.

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

Is an explanation of provisions provided? Yes

Comment : It is proposed to amend the relevant zoning map (LZN_010) by changing the zone applying to the site from 'SP2 Infrastructure (Group Home)' to 'SP2 Infrastructure (Community Facility)'.

No other changes are proposed to the Plan or the Maps.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

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 :

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

If No, explain :

Section 117 Direction 2.3 Heritage conservation:

The site has not been identified as being of heritage significance. The planning proposal is consistent with this Direction.

Section 117 Direction 4.1 - Acid Sulphate Soils:

The site does not contain acid sulphate soils. The planning proposal is consistent with this Direction.

Section 117 Direction 4.4 - Planning for Bushfire Protection:

The site has been identified as bushfire prone.

In accordance with clause (4) of the Section 117 Direction, the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service, following receipt of the Gateway determination and prior to undertaking community consultation, and take into account any comments made.

As such, Council should consult the Commissioner of the NSW Rural Fire Service prior to commencing public exhibition, and advise the regional team if any changes are required to the planning proposal as a result of this consultation, and update the planning proposal accordingly.

Section 117 Direction 6.2 Reserving Land for Public Purposes:

The planning proposal does not address this direction.

Given that the proposal seeks to affix another label (i.e. use) to the Special Use Zone applying to the site, at the request of the Department of Family and Community Services, Ageing Disability and Home Care, it is not considered the Direction is relevant in this instance.

State Environmental Planning Policy No. 55 - Remediation of Land: The site is currently used as for a group home, it is considered that the risk of contamination of land is low,

and suitable for this change of use.

Sydney Regional Environmental Policy No. 20 - Hawkesbury-Nepean River (No. 2 - 1997):
The planning proposal does not involve any sensitive areas within the
Hawkesbury-Nepean Catchment area.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided a small location map, a small current zoning map and small proposed zoning map.

These maps are considered to be suitable for public exhibition. Council will need to prepare maps that meet the Department's mapping standards and requirements when finalising the Plan.

The planning proposal will amend land zoning map LZN_010. No other mapping changes are proposed with this amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : It is proposed to undertake community consultation in accordance with 'A guide to preparing local environmental plans', including advertisements in the local paper and council's website, letters to affected land owners and displays at Council administration buildings and local libraries.

Council has proposed to exhibit the planning proposal for a period of 28 days.

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 : There is sufficient information to assess the planning proposal.

Proposal Assessment

Principal LEP:

Due Date : **September 2013**

Comments in relation to Principal LEP : **Hornsby Local Environmental Plan 2013 was notified in September 2013.**

The planning proposal is consistent with the Standard Instrument Order.

Assessment Criteria

Need for planning proposal : **The planning proposal is not the result of any strategic study or report.**

The planning proposal is required to facilitate the change of permissible land use from a 'group home' to a 'day program' (under the land use term - community facility) to enable the Department of Family and Community Services, Ageing, Disability and Home Care (DADHC)'s proposed use of a educational day program for people with a disability.

As the site is currently zoned SP2 Infrastructure (Group Home), development on the site is limited to a group home and ancillary development. To facilitate the change of use to an

educational day program, a change of zone is required.

Consistency with
strategic planning
framework :

CONSISTENCY WITH STATE STRATEGIC PLANNING FRAMEWORK

A PLAN FOR GROWING SYDNEY

The planning proposal is consistent with a Plan for Growing Sydney. In particular, the planning proposal is consistent with Action 1.11.3 - undertake long-term planning for social infrastructure to support growing communities.

This rezoning will enable a community facility to be developed which will provide long term social infrastructure, benefiting the community and the individuals participating in educational day programs on the site.

CONSISTENCY WITH LOCAL STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with the applicable local strategies, in particular, the Hornsby Shire Community Plan 2010-2020. The planning proposal is consistent with Strategy 2.1.3 - to support the community to adapt to future change in order to prevent and ameliorate the most serious potential risks such as increased bushfire and storm events.

As the site is at risk of bushfire, the change of use from an overnight facility to a day facility will ameliorate the serious potential risk of bushfire for the people who would have stayed overnight at the group home.

Environmental social
economic impacts :

ENVIRONMENTAL

Vegetation

The subject site is located adjacent to the Berowra Valley National Park. It is not expected that the proposed rezoning will have an impact on any critical habitat or threatened species, populations or ecological communities.

It is recommended that Council consult with NSW National Parks and Wildlife Services during the public exhibition period.

Bushfire

The subject site has been identified as bushfire prone. It is recommended that prior to exhibition, Council consult with the Commissioner of the NSW Rural Fire Service and take into considerations any comments received from the Commissioner in relation to this planning proposal.

It is considered that the change of use from a group home to a community facility (day education program) will reduce the risk from bushfires, with the activities on the site being limited to during the day.

SOCIAL

The proposed rezoning entails public benefits, including the delivery of educational day programs for disabled people.

ECONOMIC

No significant economic effects are anticipated as a result of the proposed rezoning.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d)	Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service		

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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. :

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 Shire Council - Planning Proposal - Property No. 12 Schofield Parade, Pennant Hills_.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 4.1 Acid Sulfate Soils
 4.4 Planning for Bushfire Protection
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **DELEGATION OF THE COMMISSION'S PLAN MAKING FUNCTIONS**

Hornsby Council has requested delegation of the Commission's plan making functions for this planning proposal. Due to the minor nature of the proposal - the planning proposal is to rezone a single site - authorisation for Council to exercise the plan making function is recommended in this instance.

GATEWAY CONDITIONS

It is recommended the planning proposal proceed subject to the following conditions:

1. Prior to public exhibition, Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 – Planning for Bushfire Protection. Council is to take into consideration any comments received from the Commissioner and update the planning proposal accordingly.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013) and must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

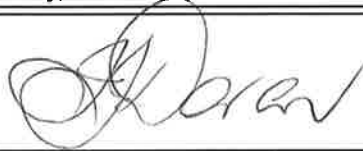
3. Consultation is required with Office of Environment and Heritage under section 56(2)(d) of the Act. That Office is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal will facilitate a change of use from a group home to a community facility, to facilitate a more suitable of the site owing to its bushfire prone nature.

Signature:



Printed Name:

T DORAN

Date:

21/4/16