



22 February 2016

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Catherine Van Laeren, Director Sydney Region West

Dear Ms Van Laeren

Planning Proposal – Property No. 12 Schofield Parade, Pennant Hills

The purpose of this letter is to present a Planning Proposal to the Minister to seek a Gateway Determination in accordance with Clause 56 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The Planning Proposal seeks to rezone property No. 12 Schofield parade, Pennant Hills from SP2 Infrastructure – 'Group Home to SP2 Infrastructure – Community Facility to allow for educational day programs, subject to development consent.

At its meeting on 10 February 2016, Council considered Group Manager's Report No. PL4/16 (copy attached) concerning the Planning Proposal to outline a more suitable zoning for the site due to the inherent bush fire risk. Council resolved to progress the Planning Proposal to amend the Land Zoning Map of the *Hornsby Local Environmental Plan 2013*.

In accordance with Council's resolution, please find attached a Planning Proposal setting out Council's objectives and intended outcomes, justification for the proposal and the intended community consultation to be carried out. I would be pleased if you would refer it to the LEP Review Panel for a Gateway Determination. Council is also seeking Authorisation to Exercise Delegation for this Planning Proposal.

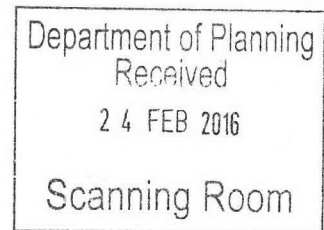
Should you have any further enquiries concerning this matter, please contact Ante Zekanovic, Strategic Planner on 9847 6762.

Yours faithfully

Fletcher Rayner
Manager

Strategic Planning Branch

Attachments: Planning Proposal – Property No. 12 Schofield Parade, Pennant Hills
Group Managers Report No. PL4/16,
Council Resolution



TRIM Reference: PP/8/2015 / D06878779

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PLANNING PROPOSAL

12 Schofield Parade
Pennant Hills

PP/8/2015

January 2016

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BACKGROUND

The Department of Family and Community Services Ageing Disability and Home Care (DADHC) has requested that property No. 12 Schofield Parade, Pennant Hills (Lot 1 DP 1018966) (the 'site'), be rezoned SP2 – Infrastructure 'Community Facility' to facilitate educational day programs on the site under the *Hornsby Local Environmental Plan 2013 (HLEP)*.

The current zoning of the site is SP2 Infrastructure as shown in Figure 2. The purpose shown on the Land Zoning Map is 'Group Home' meaning that only a 'Group Home' would be permitted with consent. The site is currently occupied by an existing eight bedroom group home. The day program use of the property would involve the delivery of educational day programs for people with a disability. No overnight accommodation for any persons is proposed.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The purpose of the Planning Proposal is to allow a 'Community Facility' to be permitted with consent, which would replace the existing permitted use of a 'Group Home'. The DADHC is seeking to pursue a more suitable 'day program' land use as the group home is located within an area which is identified as bush fire prone.

Under *HLEP*, a 'day program' is defined as a 'community facility' rather than a 'group home'.

In summary, the objective or intended outcome of the planning proposal is to change the zoning of the site to permit a 'community facility' with consent as shown in Figure 2. The change in land use would reduce the inherent bushfire risk associated with the current 'group home' use as it would no longer promote overnight accommodation.

PART 2 - EXPLANATION OF THE PROVISIONS

The proposed outcome would be achieved by amending the *HLEP* Land Zoning Map at 12 Schofield Parade, Pennant Hills from zone SP2 Infrastructure – ‘Group Home’ to SP2 Infrastructure – ‘Community Facility’.

PART 3 - JUSTIFICATION

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 any strategic study or report but rather a proposal to implement a better use for the site.

Rezoning the site from 'Group Home' to 'Community Facility' would ensure that the permitted use aligns with DADHC's proposed use for educational day programs for people with a disability.

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 objectives or intended outcomes as it would ensure that the permitted land use aligns with the DADHC's proposed use of the site for educational day programs for people with a disability.

Proceeding with a stand-alone planning proposal to rezone the subject site to SP2 Infrastructure 'Community Facility' is considered to be the most effective and efficient manner to implement the proposed rezoning as it would facilitate the timely change of use subject to development consent.

3. *Is there a net community benefit?*

The Proposal provides a net community benefit as it would facilitate the establishment of a facility that helps educate and promotes activities for people with a disability.

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)?*

The Planning Proposal is considered to be consistent with the relevant objectives and actions outlined in the Sydney Metropolitan Strategy 'A Plan for Growing Sydney'.

Direction 1.11 of the Sydney Metropolitan Strategy seeks to encourage the provision of social infrastructure. The relevant action outlined within the Strategy is to undertake long-term planning for social infrastructure to support growing communities. Accordingly, the Proposal is consistent with this direction and action as it would allow for the delivery of social infrastructure in the form of a 'community facility'.

The draft North Sub-Regional Strategy promotes early strategic consideration of bushfire, flooding and coastal erosion in relation to any future development in the subregion.

An extreme bushfire risk for the site has been identified. A more suitable use from a group home to a community facility is proposed for the site which would reduce the risk to future patrons of the facility.

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

The Planning Proposal is consistent with the applicable strategies outlined in the Hornsby Shire Community Plan 2010-2020, in particular:

- Strategy 2.1.3 - *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.*

Due to the inherent bushfire risk of the subject site, the Planning Proposal's objective to rezone the subject site to a 'community facility' from a 'group home' would enable a 'day program' use. This proposed use would involve the delivery of educational day programs by staff for disabled people.

The proposed use would reduce the risk to future patrons of the site compared to the current group home as it would no longer promote overnight accommodation.

Furthermore, the DADHC will prepare a Plan of Management including a Bushfire Emergency/Evacuation Plan for the proposed use which will outline management procedures.

Proposed management procedures may include the following:

- Periodic use of the facility that includes a shut-down of the proposed community facility during any times of a bushfire threat;
- emergency evacuation procedures ; and
- the number of staff which would need to be present on-site.

Accordingly, the planning proposal is considered to be consistent with Hornsby Shire Council's local strategic plan.

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

The Planning Proposal is not inconsistent with applicable State Environmental Planning Policies (SEPPs).

The Planning Proposal involves an amendment of the *HLEP* Land Zoning Map for property No. 12 Schofield Parade, Pennant Hills by changing the zone SP2 Infrastructure 'Group Home' to SP2 Infrastructure 'Community Facility'.

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

The Proposal is not inconsistent with applicable Ministerial Directions.

Direction 4.4 'Planning for Bushfire Protection' is applicable to the proposal. The site is bushfire prone and has been identified as having a high risk. The objectives of the Direction indicate the importance of protecting the natural landscape and ecological values of the site by discouraging the establishment of incompatible uses.

The proposed land use of 'Community Facility' is compatible with the Direction as it does not incorporate any overnight accommodation.

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?*

The subject site is located adjacent the Berowra Valley National Park, which is identified as land reserved under the *National Parks and Wildlife Act 1974*. The Planning Proposal would not have an adverse

impact on critical habitat or threatened species, populations or ecological communities this is because the Planning Proposal only seeks to facilitate a change in the use from a 'Group Home' to a 'Community Facility'. The change would result in a less intense use of the site, the delivery of educational day programs by staff for disabled people with no overnight accommodation.

No physical works would arise from the Planning Proposal.

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

No.

The Planning Proposal promotes a change in use of the site from a 'Group Home' to a 'Community Facility'. This is a less intense use of the site.

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

It is considered that the proposed land use would have a number of positive social effects on the locality. The Planning Proposal would assist the DADHC in meeting a long-standing and continually-growing demand for a community facility in Hornsby Shire.

No significant economic effects are anticipated as a result of the Planning Proposal.

The site is not listed as a heritage item, located within or in close proximity to a Heritage Item or Heritage Conservation Area under HLEP.

Section D - State and Commonwealth interests

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

Yes.

Services are available in the vicinity of the site. The Proposal would not impose any additional demands on local infrastructure, public or community services.

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

Consultation would occur with the public authorities identified in the Gateway Determination, including New South Wales Parks and Wildlife Service and New South Wales Rural Fire Service.

PART 4 - MAPS

The Planning Proposal seeks to amend the Hornsby LEP Land Zoning map as proposed in the Table below: -

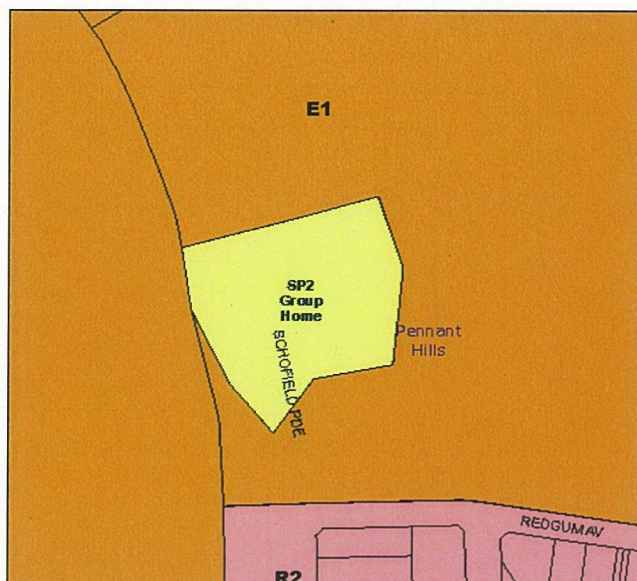


Figure 1: Extract Map No. 10 – Existing Land Zoning Map – No. 12 Schofield Parade, Pennant Hills. The subject site is currently zoned SP2 Infrastructure 'Group Home'.

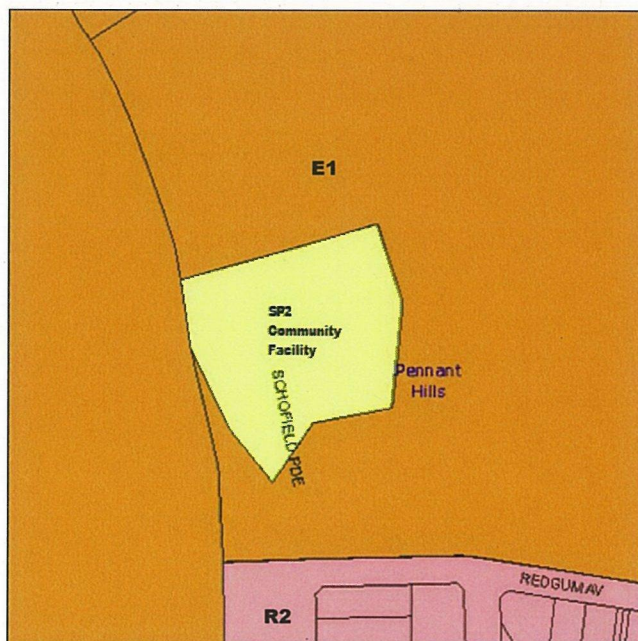


Figure 2: Extract Map No. 10 – Proposed Land Zoning Map – No. 12 Schofield Parade, Pennant Hills. The proposed zoning of the subject site is SP2 Infrastructure 'Community Facility'.

PART 5 - COMMUNITY CONSULTATION

In accordance with "A guide to preparing local environmental plans" prepared by the Department of Planning and Environment (2009) the Planning Proposal would be anticipated to be on exhibition 8 weeks after Gateway Determination authorisation. The exhibition would include:

Advertisement in the local newspaper

An advertisement placed in the Hornsby Advocate identifying the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

Advertisement on the Council website

The Planning Proposal would be exhibited on Council's website (www.hornsby.nsw.gov.au/onexhibition) under 'On Exhibition'. Council's libraries have access to the website.

Letters to affected owners

A letter would be sent to landowners who adjoin or are in close proximity to the site, advising them of the exhibition of the Proposal and inviting submissions.

Displays at the Council Administration Buildings and local libraries

The Planning Proposal would be displayed at the Council Administration Centre, 296 Pacific Highway, Hornsby and Pennant Hills Library.

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
24	Request draft instrument be prepared

Appendix A – Location Map



Figure 3: Location Map: Subject site is identified by the red hatching.

Appendix B – State Environmental Planning Policy Checklist

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	Repealed
SEPP 6. Number of Storeys in a Building	Repealed
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
SEPP 15. Rural Land-Sharing Communities	Not applicable
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	Repealed

Development Proposals	
SEPP 39. Spit Island Bird Habitat	Not applicable
SEPP 40. Sewerage Works	Not Made
SEPP 41. Casino/Entertainment Complex	Repealed
SEPP 42. Multiple Occupancy and Rural Land	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	Consistent. The Planning Proposal is consistent with SEPP 55. The land has been previously used for residential development.
SEPP 56. Sydney Harbour Foreshores and Tributaries	Repealed
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	Repealed
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 69. Major Electricity Supply Projects	Repealed
SEPP 70. Affordable Housing (Revised Schemes)	Not applicable
SEPP 71. Coastal Protection	Not applicable
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. Miscellaneous Consent Provisions	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

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	Repealed
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)	Consistent. 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	Repealed
SREP 29. Rhodes Peninsula	Repealed
SREP 30. St Marys	Not applicable
SREP 31. Regional Parklands	Repealed
SREP 33. Cooks Cove	Not applicable
SREP 2005. Sydney Harbour Catchment	Not applicable

Appendix C – Section 117 Directions Checklist

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	Not applicable.
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	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrated Land Use and Transport	Not applicable
3.5	Development near licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulphate Soils	The site does not contain Acid Sulphate Soils.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable.
4.4	Planning for Bushfire Protection	Consistent. The proposed land use of 'Community Facility' is compatible with the Direction as it does not incorporate any overnight accommodation.
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
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Consistent. The Planning Proposal is consistent with Direction 1.1 in A Plan for Growing Sydney. The Proposed Community facility would provide long-term social infrastructure which benefits the individuals who participate in educational day programs.

Appendix D – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils
(Attachment 4 from "A guide to preparing local environmental plans")

Local Government Area:

Hornsby

Name of draft LEP:

Planning Proposal to rezone

Address of Land (if applicable):

12 Schofield Parade, Pennant Hills

Intent of draft LEP:

The intended outcome of the Planning Proposal is to allow a 'Community Facility' to be permitted with consent, which would replace the existing permitted use of a 'Group Home'.

Additional Supporting Points/Information:

A more suitable 'day program' land use is being pursued as the group home is located within an area which is identified as bush fire prone. The change in land use would reduce the inherent bushfire risk associated with the current 'group home' use as it would no longer promote overnight accommodation.

11 PLANNING PROPOSAL - PROPERTY NO. 12 SCHOFIELD PARADE, PENNANT HILLS

EXECUTIVE SUMMARY

- On 15 October 2015, Creative Planning Solutions Pty Ltd submitted a Planning Proposal on behalf of the Department of Family and Community Services, Ageing Disability and Home Care (DADHC).
- The Proposal seeks to permit community facilities at property No. 12 Schofield Parade, Pennant Hills by amending the Land Zoning Map for the Property from *SP2 Infrastructure – 'Group Home'* to *SP2 Infrastructure – 'Community Facility'* under the Hornsby Local Environmental Plan 2013 (HLEP).
- The aim of the amendment is to allow Educational Day Programs to be conducted on the site whilst also creating a more suitable use for the site which is within a high risk bushfire area.
- The Planning Proposal was on preliminary notification from 5 November 2015 to 20 November 2015. No submissions were received.
- It is recommended that Council progress the Planning Proposal by forwarding it to the Department of Planning and Environment for Gateway Determination.

RECOMMENDATION

THAT:

1. Council forward the Planning Proposal for Property No. 12 Schofield Parade, Pennant Hills attached to Group Manager's Report No. PL4/16 to the Department of Planning and Environment for a Gateway Determination.
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 the Gateway Authorisation.
3. The Acting General Manager be given delegated authority to endorse the exhibition material.
4. Following the exhibition, a report on submissions be presented to Council.
5. The proponent be advised of Council's resolution.

PURPOSE

The purpose of this report is to consider a Planning Proposal submitted by Creative Planning Solutions on behalf of the Department of Family and Community Services, Ageing Disability and Home Care (DADHC), to rezone property No. 12 Schofield Parade, Pennant Hills from *SP2 Infrastructure – 'Group Home'* to *SP2 Infrastructure – 'Community Facility'* to allow for educational day programs.

BACKGROUND

Property No. 12 Schofield Parade, Pennant Hills previously known as the 'Pony Club' is currently occupied by an existing 8 bedroom group home. According to Council records, the facility is currently owned and managed by the DADHC and has been in operation since 2006.

Recent works to the property include minor alterations and additions to the exterior of the Group Home and bushfire mitigation works. The works were undertaken in September 2015 under Clause 43 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP) to upgrade the construction level of the building and vegetation clearing under the 10/50 Vegetation Clearing Code.

A Review of Environmental Factors (REF) under Part 5 of the Environmental Planning and Assessment Act 1979 was prepared to assess the impacts of the Proposal along with a Bushfire Vegetation Management Plan to manage the vegetation on the site.

Rural Fire Service, NSW National Parks and Wildlife Service (NPWS) and Council were notified as part of the approval process and the works were undertaken in accordance with conditions outlined by the RFS and DADHC. It was noted by Council that the works would be carried out in accordance with the SEPP and 10/50 Code.

The DADHC is now seeking a more suitable use of the site as a community facility (i.e. no overnight accommodation) rather than a group home to further reduce the risk of operating on the site. However, the current zoning (*SP2 Infrastructure – Group Home*) restricts the use of the site to a group home. On 15 October 2015, Creative Planning Solutions submitted a Planning Proposal on behalf of the DADHC as discussed within the Report.

SITE

The subject site (Lot 1 DP 1018966) is located at No. 12 Schofield Parade, Pennant Hills on the northern side of Schofield Parade with a site area of 11,570m² and is zoned *SP2 – Infrastructure 'Group Home'*.

The site is accessed via the Stringy Bark Ridge access road from the end of Schofield Parade and is surrounded by the Berowra Valley National Park. A single storey brick building is located on the site with a building footprint of approximately 765m² and existing parking for approximately 10-12 vehicles.

The site is identified as Bushfire Prone on Council's Bushfire Prone Land Map 2014. A location plan and zoning map are provided in the attached Planning Proposal.

PROPOSAL

The Planning Proposal seeks to amend the Land Use Zoning Map of the Hornsby Local Environmental Plan 2013 from *SP2 Infrastructure – 'Group Home'* to *SP2 Infrastructure – 'Community Facility'*.

The proponent provides the following intended outcomes and objectives of the Planning Proposal:

- The Proposal would promote a more suitable land use for the site. A Community Facility takes into consideration the inherent bushfire risk associated with the site.
- The intended use of the site would be consistent with the proposed '*SP2 Infrastructure – Community Facility*' zoning of the site.
- The Proposal allows the site to be used for educational day programs for people with a disability, subject to Council consent.

The applicant advises that up to 50 people (including staff) would use the site at one time and patrons would access the site by a community bus service.

Should the Planning Proposal be supported by Council and finalised, approval for the proposed use would be formalised by the submission of a Development Application to Council.

DISCUSSION

This report considers the merit of the Planning Proposal in relation to state and local planning policies and the potential impacts of the proposal.

1. STRATEGIC CONTEXT

The following state and local planning policies are relevant to the Proposal as discussed below.

1.1 A Plan for Growing Sydney Metropolitan Plan

'*A Plan for Growing Sydney*' has been prepared by the NSW State Government to guide land use planning decisions over the next 20 years.

The Proposal is consistent with Direction 1.11 of the Sydney Regional Plan as the proposed community facility would provide long-term social infrastructure which benefits the individuals who participate in educational day programs on the site and also facilitates the provision of community services for a growing population.

1.2 Draft North Subregional Strategy

The draft *Northern Subregional Strategy 2009* was prepared to implement an earlier version of the Metropolitan Strategy published in 2005. A new District Plan will be prepared as part of implementing '*A Plan for Growing Sydney*'. The NSW Government will use the District Plan to outline and define objectives for the northern region (including Hornsby) in relation to job creation and housing supply and choice.

In relation to the Proposal, a priority is to identify and promote early strategic consideration of Bushfire in relation to future development. The Proposal is consistent with the State Government's metropolitan planning directions as it proposes a land use more consistent with the high bushfire risk associated with the subject site.

1.3 Section 117 Local Planning Directions

Section 117 of the *Environmental Planning and Assessment Act 1979* allows the Minister for Planning and Environment to provide direction to Council in relation to the preparation of draft local environmental plans.

Direction 4.4 'Planning for Bushfire Protection' is applicable to the Proposal. The subject site is bushfire prone and has been identified as having a high risk. The objectives of the Direction indicate the importance of protecting the natural landscape and ecological values of the site by discouraging the establishment of incompatible land uses.

The proposed land use of community facility is compatible with the Direction as it would not permit overnight accommodation.

1.4 Hornsby Local Environmental Plan 2013

The site is located within the Berowra Valley National Park and is zoned *SP2 Infrastructure 'Group Home'* within the *HLEP*.

The *SP2 Infrastructure* zone has the following objectives:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The *SP2* zone permits with development consent the land use identified on the Land Zoning Map. The proposal seeks to amend the *HLEP* Land Zoning Map by removing reference to 'Group Home' and replacing the reference with 'Community Facility' so as to permit the use on the site.

The *HLEP* defines a 'Community Facility' as being a building or place:

- Owned or controlled by a public authority or non-profit community organisation, and*
- Used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

Other uses such as halls and community centres would also be permissible with development consent from Council. However, intensification of the use is unlikely given the suitability of the existing structure for the proposed use and high cost to meet relevant bushfire attack level building code requirements.

1.5 Hornsby Development Control Plan

The Hornsby Development Control Plan (HDCP) applies to all land within Hornsby Shire and is a comprehensive framework for the development of land. The HDCP aims to outline procedures, processes and responsibilities to ensure that development is consistent with Council's vision of maintaining an environment which is sustainable and liveable.

The relevant Parts of the HDCP that would be applicable to the site are *Part 1 – General* and *Part 7 – Community* of the DCP. Relevant development standards would include parking, access, bushfire and site requirements. Due to the zoning of the property, the HDCP does not include controls that address the size of buildings. However, should the DADHC seek consent for an alternate use such as a hall or community centre, development would be limited in scale due to the building height (8.5m) and planning for bushfire requirements. Any application would be referred to the RFS as integrated development for comment. Further impact on surrounding vegetation would be unlikely as bushfire asset protection zones (APZs) have already been established on the site through recent mitigation works.

The proposal is unlikely to have a traffic impact greater than the current use on the grounds that patrons would access the facility by bus. Sufficient area also exists on the site to accommodate bus access and parking demand of approximately 6 to 10 spaces which would be addressed at the development application stage.

2. CONSULTATION

2.1 Preliminary Notification

The Planning Proposal was exhibited for preliminary comment between 5 November 2015 and 20 November 2015. A notice was placed on Council's website and in the Hornsby Advocate. Letters were sent to adjoining property owners and copies of the Planning Proposal were made available for inspection at Council's Administration Building and Pennant Hills Library. During the notification period, Council did not receive any submissions.

2.2 Formal Consultation

"A guide to preparing local environmental plans" has been prepared by the DP&E to assist councils in preparing planning proposals and LEPs. In accordance with the Guidelines, the Planning Proposal is required to be exhibited for 28 days.

A consultation strategy relevant to the public exhibition of the draft LEP has been prepared as part of the Planning Proposal for endorsement by the DP&I. Part 5 of the Planning Proposal contains the Consultation Strategy for public exhibition. The consultation strategy involves letters to affected and adjoining property owners, advertisements in local newspapers and on the Council website and exhibition material at the Administration Building and libraries.

Should Council resolve to proceed with the Proposal, and Gateway Authorisation is issued by the DP&I, the plan would be formally exhibited in accordance with the Consultation Strategy contained within the attached Planning Proposal.

A report outlining the outcomes of the public agency consultation, submissions received during public exhibition and hearing would be presented to Council for its consideration at the conclusion of the exhibition period.

3. STATUTORY CONSIDERATIONS

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

In accordance with usual practice, the applicant's Planning Proposal has been re-drafted by Council into a new document to enable additional information to be included for submission to the Department's LEP Review Panel.

As part of the Gateway Authorisation process, Section 23 of the Environmental Planning and Assessment Act allows the Minister and the Director-General to delegate functions to a Council and/or an officer or employee of a Council. When submitting a planning proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- to make and determine not to make an LEP;

- to defer inclusion of certain matters; and
- to identify which matters must be considered and which stages of the plan making process must be carried out again.

At its meeting on 12 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 DP&I on 3 March 2013.

On the grounds that the planning proposal is consistent with the types of draft LEPs to be routinely delegated by the DP&I, it is recommended that Council exercise the Authorisation in this instance.

BUDGET

The evaluation and advertising of the Planning Proposal is covered by the fee paid to Council for lodgement of the Proposal in accordance with Council's adopted fees and charges.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

The Proposal seeks to amend the Land Zoning Map under the *HLEP* to permit 'Community Facility'. The proposed zoning would allow for a more suitable land use on the site due to the high bushfire risk associated with the adjoining natural bushland. Should the rezoning proceed, more appropriate 'Community Facility' activities such as educational day programs would become permissible with development consent. Accordingly, it is recommended that Council progress the Proposal to the DP&E for Gateway Determination.

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

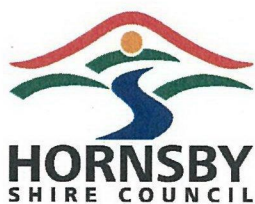
JAMES FARRINGTON
Group Manager
Planning Division

Attachments:

1. Planning Proposal - 12 Schofield Parade, Pennant Hills

[V](#)
[ie](#)
[w](#)

File Reference: PP/8/2015
Document Number: D06846772



FOR ACTION

Meeting: GENERAL MEETING

10/02/16

TO: Strategic Planner - Strategic Planning (Ante Zekanovic)

Subject: Planning Proposal - Property No. 12 Schofield Parade, Pennant Hills

Target Date: 24/02/16

Notes:

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

THAT:

1. Council forward the Planning Proposal for Property No. 12 Schofield Parade, Pennant Hills attached to Group Manager's Report No. PL4/16 to the Department of Planning and Environment for a Gateway Determination.
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 the Gateway Determination.
3. The Acting General Manager be delegated authority to endorse the exhibition material.
4. Following the exhibition, a report on submissions received be presented to Council.
5. The proponent be advised of Council's resolution.

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

AGAINST: NIL

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