

CONSULTANT ASSESSMENT REPORT

DA No:	DA/1406/2023 (Lodged on 08/01/2024)
Description:	Recreation Facility - Redevelopment of Cricket Pavilion
Property:	Waitara Park - Mark Taylor Oval, No. 20X Waitara Avenue, Waitara (Lot 300 DP 832745)
Applicant:	Minto Planning
Owner:	Hornsby Shire Council
Estimated Value:	\$3,650,447
Ward:	Ward B
Clause 4.6 Request:	Not applicable
Submissions:	Nil
LPP Criteria:	The application is required to be determined by the Hornsby Council Local Planning Panel as the proposal is on land owned by Hornsby Shire Council
Author:	Nicola Neil, Consultant Town Planner
COI Declaration:	No Council staff involved in the assessment of this application have declared a Conflict of Interest.

RECOMMENDATION

THAT Development Application No. DA/1406/2023 for alterations to an existing community facility and construction of a new community facility at Lot 300 DP 832745, Waitara Park - Mark Taylor Oval, No. 20X Waitara Avenue, Waitara be approved subject to the conditions of consent detailed in Attachment 2 of LPP Report No. LPP3/2024

EXECUTIVE SUMMARY

- The application involves redevelopment of the cricket pavilion at Mark Taylor Oval, including demolition of the 1990s extension, minor internal alterations and additions to the original building, removal of some landscape elements, repurposing of the existing toilet block for storage, and construction of a new detached pavilion.
- The site is owned by Council. In accordance with Council's adopted Policy 'Proposed Council Developments' an independent assessment of the development application has been undertaken by Nicola Neil of Octagon Planning.
- The proposal complies with the relevant development standards and planning instruments including state environmental planning policies, Hornsby Local Environmental Plan 2013 and Hornsby Development Control Plan.
- No submissions have been received in respect of the application.
- The application is required to be determined by the Hornsby Council Local Planning Panel as the proposal is on land owned by Hornsby Shire Council.
- It is recommended that the application be approved.

BACKGROUND

Waitara Park has existed as a recreation facility since 1906. Waitara Oval was renamed Mark Taylor Oval in 2011 in honour of the former Australian cricket captain. The only notable recent development application within the park was DA/96/2021 for a new indoor cricket facility and reconfiguration of the existing outdoor practice nets on the eastern side of the park, which was approved by the Local Planning Panel on 13 May 2021. The indoor cricket facility has now been completed; works on the outdoor nets have been delayed by supply chain issues but are due to commence in the next few months. The Police Citizens Youth Club (PCYC) building is located in the southern part of the park on a separate Lot and DP. It was approved by Council in 2015 and the DA has since been modified.

SITE

The subject site is Waitara Park, a public recreation facility which comprises Mark Taylor Oval, grandstand, pavilion, indoor cricket facility, outdoor cricket nets, children's playground, tennis courts, fitness equipment and ancillary facilities. Recent redevelopment works to the oval itself began in late 2021 including ground resurfacing, sub-surface irrigation works, fencing, and new retaining walls and netting to the perimeter. Consistent with its use as a cricket oval, the site is generally flat.

The original grandstand pavilion was constructed in 1929 and later modified to enclose the sides and rear of the seating area. Male public toilets were added to the north-west elevation at an unknown date. Additions to the south-east and south-west elevations were constructed in the early 1990s. Within the original pavilion footprint is an entry hall, two change rooms each with their own showers, toilets and storage, an additional change/shower room on the ground floor, and a club room and grandstand seating on the first floor. The showers and toilets are within a 1990s addition to the south-west elevation. The club room was formed by partial enclosure of the grandstand. Within the south-eastern 1990s addition is a kiosk and storage rooms on the ground floor and a club room and balcony on the first floor.

The site forms part of a larger recreational facility bounded by Edgeworth David Avenue to the north, Park Avenue to the east, Park Lane to the south and Waitara Avenue to the west. Lot 1020 DP 752053 in the northern part of the site contains six outdoor tennis courts and a tennis academy. Lot 301 DP 832745 to the south contains the Police Citizens Youth Club (PCYC) Hornsby Ku-ring-gai building.

The park is largely surrounded by medium to high density housing, with a few remnant single dwelling houses to the north. The site is 300m north of Waitara Station and less than 1km from Hornsby CBD.

Mark Taylor Oval is identified as heritage item 783 under *HLEP* and the street trees along Edgeworth David Avenue are identified as heritage item 475. The site is not in a Heritage Conservation Area.

PROPOSAL

The application proposes alterations and additions to the existing cricket pavilion and construction of a new pavilion:

- Demolition of the 1990s two-storey extension to the south-eastern façade of the original 1929 grandstand building and removal of the stair and ramp access.
- Demolition of the male public toilet (a later addition) on the north-western façade of the original building.
- Demolition of internal walls in the original building and removal of some fixtures and fittings
- Removal of three (3) trees, some soft landscaping, and removal of park benches, low stone wall, drinking fountain and light pole in front of the building.
- Demolition of internal walls and sanitary fixtures in the female public toilet building to the south.
- Construction of a new detached two-storey pavilion building in the same general location as the demolished 1990s addition, with a slightly larger footprint.
- The new pavilion comprises a kiosk, public toilets, umpire's room, storage and plant room on the ground floor, and a club room, scorer's room, kitchenette/storage and balcony on the first floor. The first floor is accessed by stairs and a lift.
- Repurposing of the female public toilet block for storage.
- New outdoor amenities and hardscaping including handwash basin, BBQ facilities, bin storage, concrete paths and built-in bench seating.
- Installation of solar panels to the roof of the new pavilion building.

The new building will be constructed of reinforced concrete with glazed walls set behind aluminium batten screens, with a lightweight steel roof. The facility is to be leased to the Northern District Cricket Club (NDCC); documentation indicates that the original building will also be used by the Hornsby Rugby Club (HRC).

The Plan of Management submitted with the DA nominates hours of operation from 7am until 8pm on weekdays and 7am until 10pm on weekends. NDCC will be responsible for the management, booking, usage, cleaning, maintenance and security of the facility.

ASSESSMENT

The development application has been assessed having regard to the Greater Sydney Region Plan - A Metropolis of Three Cities, the North District Plan and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. The Plan also identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The Greater Sydney Commission has released the North District Plan which includes priorities and actions for Northern District over the next 20 years.

Part 4 of the Metropolis of Three Cities relates to Liveability. Relevant objectives are:

- Objective 6 - Services and infrastructure meet communities' changing needs
- Objective 7 - Communities are healthy, resilient and socially connected
- Objective 12 - Great places that bring people together
- Objective 13 - Environmental heritage is identified, conserved and maintained

The proposed development would be consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities and the North District Plan, by enhancing the existing facilities at Waitara Park and removing unsympathetic additions to a heritage item (see sections 2.1.3 and 2.6.5 below for further discussion on heritage impacts).

2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider *“any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations”*.

2.1 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the Hornsby Local Environmental Plan 2013 (HLEP).

2.1.1 Zoning of Land and Permissibility

The subject land is zoned RE1 Public Recreation under the HLEP. The objectives of the RE1 zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect and maintain areas of bushland that have ecological value.*

The proposal is consistent with the objectives as it uses land for recreational purposes and enhances the natural environment with new planting.

The proposed development meets the definition of a community facility:

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and*
- (b) 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.

The proposed development is permissible in the zone with Council's consent.

2.1.2 Principal Development Standards

Clauses 4.1, 4.3 and 4.4 of the HLEP provide controls for minimum lot size, maximum building height and maximum floor space ratio. The subject site is not mapped as subject to these controls. The proposed building is 8.806m. Maximum building heights for land surrounding the park range from 8.5m to the north to 32.5m to the south. The proposal is considered appropriate for the site.

2.1.3 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. Mark Taylor Oval is identified as heritage item 783 under HLEP and the street trees along Edgeworth David Avenue are identified as heritage item 475. The Statement of Significance in the Office of Environment and Heritage database reads:

Local park and oval dating from c1920's. Grounds retain elements from 1930's and cultural trees from c1920's & 1930's. Also conserving indigenous trees from c1920/30's. Of local significance.

The item description in the database is as follows:

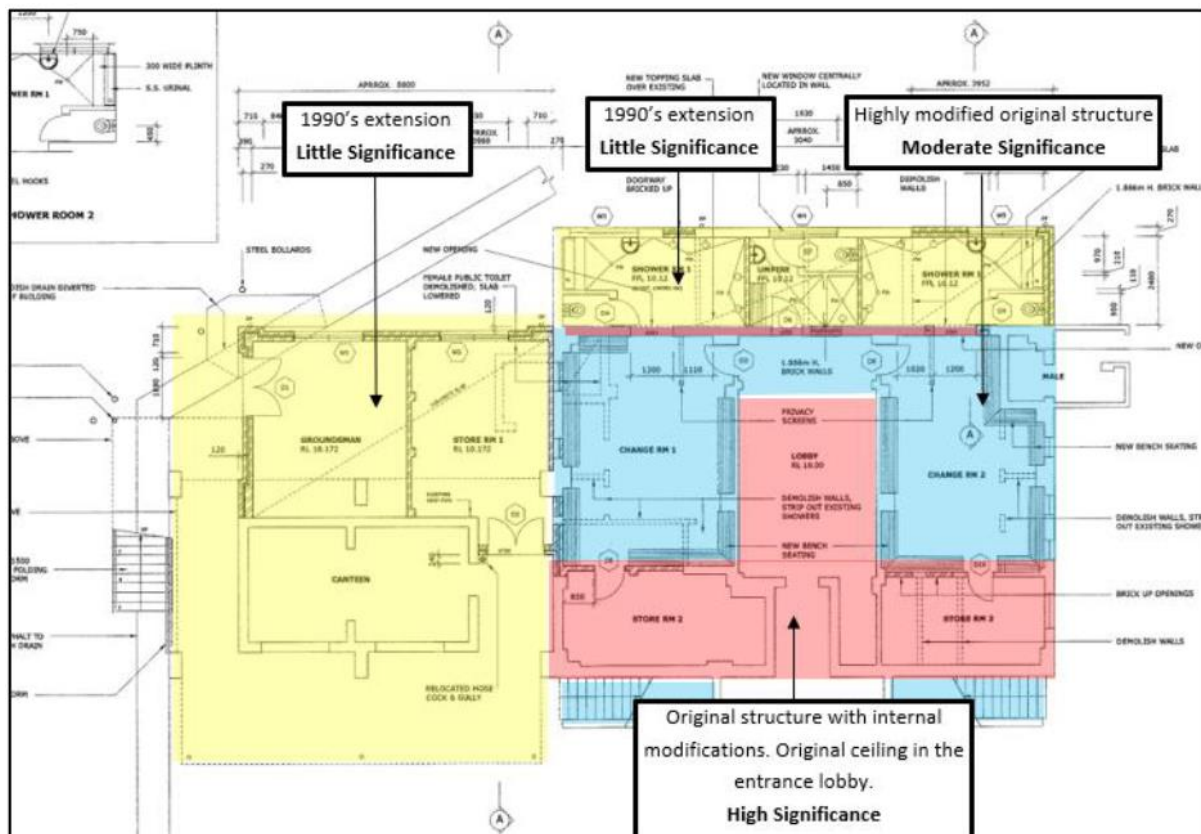
Park on flat land with central oval and brick grandstand of utilitarian design from c1930#s. Bank of tennis courts on southern end. Cultural planting includes mature Camphor Laurel trees (to 18m) and Radiata Pine (to 15m) on western side. Possibly planted c1920-30. Also line of characteristic Oleanders on east side possibly from c1950. The eastern side (northern end) shows a section of precast paving footpath laid as part of relief work for unemployed in the 1930#s. This scheme was the initiative of local Councillor PC Law. [The site was included in a 1993 Heritage Study and the Statement of Significance was last updated in 2001.]

At the close of the nineteenth century, George Collingridge and other Waitara residents successfully petitioned the Minister for Lands to formally identify Waitara Park, which appears on the 1902 subdivision plan. In 1906 it was proclaimed as a park for recreation purposes and the land obtained by Council. A new oval was opened in December 1922. The grandstand in the south-western corner of the park was constructed around 1929.

The Northern District Cricket Club (NDCC) was formed in 1906 and has been based at Waitara Park since 1924. Several Australian test players have played club cricket for NDCC, including former Australian captain Mark Taylor, after whom the oval was renamed in 2011.

A Statement of Heritage Impact (SOHI) was submitted with the application. The SOHI includes a summary of a Fabric Analysis of the grandstand, noting that the external facades were generally in good condition. Attention was drawn to the arched entry doorway, foundation stones, timber mouldings, precast panels and original ceilings in the entrance lobby as particularly significant elements.

The following plan shows the heritage significance of the various parts of the building; the original structure (pink) has high significance, the highly modified original structure (blue) has moderate significance, and the 1990s extensions have little significance.



The SOHI includes an assessment of the heritage significance of the pavilion building. The assessment concludes that the building has high historic significance, associative significance, and high social significance. The building was not considered to have aesthetic significance, research potential, rarity or representativeness.

Under Clause 5.10 of HLEP the consent authority must consider the effect of the proposed development on the heritage significance.

The SOHI notes that all areas of high heritage significance will be retained under the proposal. The alterations and additions are “limited to fabric of little significance, or changes considered reasonable and appropriate to improve the building’s accessibility and functionality”. The author of this report concurs with the SOHI’s statement that the new pavilion will be distinct from the original grandstand and would be a respectful and compatible addition to the subject site. Further, the development is consistent with the site’s ongoing use as a community sporting facility that has seen a great deal of change over the past century. As noted in the SOHI, all significant heritage details and fabric will be retained, including face brickwork, stone plaques, arched entry, timber-framed window and decorative masonry architectural mouldings. All original and modified interiors within the 1920s grandstand envelope will be retained and conserved.

The author concurs with the SOHI's statement that "the form, bulk, scale, and materiality of the proposed new pavilion addition is compatible with its historically significant partner and would represent a considered reflection of old and new. The proposed pavilion design does not seek to imitate the original, nor dominate or detract from its contributory value. Rather, the proposed height, mass, position, and orientation of the new pavilion proposed acts as a self-reflexive contemporary interpretation of the building's original architectural typology". Where the existing 1990s addition is a poorly executed copy of the original building, the proposed new pavilion is clearly contemporary which allows for easier interpretation as per Article 22.2 of the Burra Charter.

The partial demolition of the existing building would, as the SOHI points out, restore the building to its original scale (notwithstanding the small extension at the rear of the building which houses the toilets and showers).

Council's Heritage Planner reviewed the application in detail and concluded that the SOHI provides "an accurate description, significance assessment and historical background of the site, the existing grandstand building and the locality context". The proposed works are consistent with advice provided by Council in October 2020 that demolition of the grandstand wholesale would not be supported, but alterations "would be considered if the new work removed or replaced the existing alterations to the south elevation". Further discussion between Council's Principal Strategic Planner, Council's Landscape Team and the project manager ensued over the next three years. In October 2023, after several design revisions, Council's Heritage Team raised no heritage concerns and advised that:

- The existing pavilion is being retained with minor modifications to meet the current needs of the site with minimal heritage impact.
- The new pavilion is sensitively sited and designed to meet the General Design Requirements for Heritage Items under Section 9.1 of the HDCP as well as the Heritage NSW and NSW Government Architect's guidelines of new development in the context of heritage.
- The heritage advice provided during the design process has been respectfully incorporated into the final Pavilion design.

The Heritage Planner concurred with the SOHI and agreed with the positive aspects of the proposal including retention of the historic function of the site, appropriateness and sympathy of the design, demolition of modified, less significant fabric, compatibility with built form, bulk and scale, no negative impacts on lines of sight, clear legibility resulting from the detached nature of the new building, lack of impact on pedestrian links or accessibility, and improved community and amenity functionality. The Heritage Planner raised no objections to the proposal on heritage grounds subject to recommended conditions of consent.

2.1.3.1 Plan of Management

The proposal is consistent with the Waitara Park Plan of Management 2021 (PoM), which described the remaining major works for the park as construction of the indoor cricket training facility (commenced 2022), upgrading Mark Taylor Oval (commenced 2021) and upgrading the pavilion. The PoM specified the following works for the pavilion upgrade:

Proposed replacement of existing aged facilities:

- a. *Ground floor: fully universal use change rooms storage rooms, canteen,*
- b. *First floor: clubrooms for NDCC and HJRU/HRU*
- c. *Second floor: scorers' room; camera area and commentary box; cricket museum; meeting rooms for cricket coaching, umpiring training and administration, and for community usage*

The PoM Masterplan also identifies the public toilets to be integrated into the redevelopment of the pavilion.

The proposal is consistent with the PoM as it will facilitate sporting activities in the community and provide facilities to meet the current and future needs of the local community and wider public.

2.1.4 Earthworks

Clause 6.2 of the HLEP states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

A Geotechnical Assessment was submitted with the Development Application. Council's Environmental Protection Team reviewed this report and recommended conditions of consent to manage impacts.

2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of chapter 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

2.2.1 Chapter 6 Waterways

The site is located within the catchment of Sydney Harbour. The aim of this chapter is to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. This chapter provides general planning considerations and strategies to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

The plan addresses matters related to biodiversity, ecology and environment protection; public access to, and use of, foreshores and waterways; maintenance of a working harbour; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would have minimal potential to impact on the Sydney Harbour Catchment and would comply with the requirements of chapter 6 of the Biodiversity and Conservation SEPP.

2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The application has been assessed against the requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.3.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazards SEPP states that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

An examination of Council's records and aerial photography has determined that the site has been used as a park for over one hundred years. The proposed development involves minimal earthworks associated with slab construction. It is not likely that the site has experienced any significant contamination, and further assessment under Chapter 4 of the Resilience and Hazards SEPP is not required.

2.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The application has been assessed against the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021.

The SEPP provides for certain proposed developments known as Traffic-Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence. There are no referral thresholds for recreation facilities under Schedule 3 and therefore the proposal falls under the category of “any other purpose”. In this case, referral is required for developments generating 50 or more motor vehicles per hour for roads that connect to a classified road (Edgeworth David Avenue connects to the Pacific Highway at Hornsby). Given that there is no intensification of use as the pavilion redevelopment is to cater for existing users of the park - NDCC in summer and HRC in winter - it is not expected that the development in and of itself will increase traffic movements to and from the site.

2.5 Section 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

Section 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

2.6 Hornsby Development Control Plan 2013

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2013 (HDCP). The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

HDCP - Part 7 Community Uses			
Control	Proposal	Requirement	Complies
Not located on battle-axe allotments or in cul-de-sacs, or near intensive, offensive or hazardous land uses			Yes
Height	8.8m	8.5m	No
Site Coverage	<30%	30%	Yes
Setbacks	10m	6m	Yes
Landscaping to soften development			Yes
Located away from noise sensitive land uses			Yes
Does not encourage views onto residential areas			Yes

Overshadowing of adjoining open space		Max 50%	Yes
Sunlight to adjoining residential private open space		Min 3 hours	Yes
Clear pedestrian and cyclist entrances			Yes
Windows and lobbies oriented to overlook street and communal open space			Yes
Building design complements desired future character and includes consideration of a setbacks, materials, textures, colours, scale, height, bulk, roof form and pitch, landscaping, facades, window placement and balance between solid walls and openings			Yes

As detailed in the above table, there is one non-compliance with the HDCP controls which is discussed below along with a brief discussion on compliance with relevant performance requirements.

2.6.1 Height

The DCP requires community buildings to be in accordance with the height and FSR controls contained in the LEP, and for the scale of buildings to be in accordance with the building form controls commensurate to the zone. The subject site is not mapped on the height or FSR maps and is zoned for recreation, so the height and site coverage controls for dwelling houses in Section 3.1 of the DCP apply.

That being the case, the maximum height would be 8.5m. The proposed building has a maximum height of 8.8m. The park is surrounded on three sides by R4 High Density Residential zoned land with maximum building heights of 16.5m to 32.5m (26.5m on the western side of Waitara Avenue, closest to the development site). The closest buildings to the pavilion are the three-storey PCYC building to the south and a nine-storey residential flat building to the west at 21-37A Waitara Avenue. Given this context, a minor height encroachment of 0.3m is considered acceptable.

2.6.2 Part 1C.2.1 Transport & Parking

The facility will continue to be serviced by existing street parking. The redevelopment is not an intensification of use and there is not expected to be any significant increase in user numbers as a result of the development.

2.6.3 Part 1C.2.3 Waste Management

The application was submitted with a Construction and Demolition Waste Management Plan which has been reviewed by Council's Waste Management Team and deemed satisfactory.

2.6.4 Part 1C.2.9 Landscaping

The application was submitted with a Landscape Plan which includes new shrub planting comprising Kangaroo Paws, Lomandra tanika, and Philodendron xanadu. These plants are used elsewhere in Waitara Park and will therefore provide a cohesive landscape.

Council's Landscape Architect reviewed the plans and supports the application subject to conditions of consent.

2.6.5 Part 9 Heritage

The proposed development is consistent with the desired outcomes of the general design requirements under section 9.2.1 of the DCP. The development allows reasonable change to occur to heritage items, particularly to meet contemporary amenity of safety standards without unreasonably impacting heritage significance. The alterations and additions are sympathetic to significant features and do not dominate the heritage item.

In accordance with the prescriptive measures in section 9.2.1, the features that contribute to the heritage significance of the item are retained, new works are located to minimise adverse impacts on the setting of the item, and earlier additions that reduce the integrity and confuse the period of the building are to be removed. The new work complements the heritage item in terms of scale, proportion, bulk, massing and detail. There are no additions at the front of the building, and the additions are located away from the principal elevation and significant features of the item, being largely confined to the footprint of the earlier unsympathetic additions. There are no extensive blank or unarticulated walls to the addition, and internal layout changes in the original building are minimal so the evolution of the building is recognisable. Significant interior elements are retained. Face brick to the original building is proposed to remain, and new materials are compatible with old.

Council's Heritage Planner reviewed the application as discussed in section 2.1.3 above and raised no objection on heritage grounds.

2.7 Section 7.11/7.12 Contributions Plans

Hornsby Shire Council Section 7.11 Contributions Plan 2020-2030 and Section 7.12 Contributions Plan 2019-2029 do not apply to the development.

Section 7.11 of the *Environmental Planning and Assessment Act 1979* states:

- (1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring—
 - (a) the dedication of land free of cost, or
 - (b) the payment of a monetary contribution,or both.

Section 7.12 states:

- (3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.

Development contributions do not apply to the proposed development as it is a public amenity. It does not cause an increase in residential dwellings or commercial gross floor area and does not increase demand for public services, being a public facility itself.

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

3.1 Natural Environment

3.1.1 Tree and Vegetation Preservation

The proposed development includes removal of three (3) trees in close proximity to the building footprint.

Council's Tree Management and Park Assets teams have reviewed the application and provided no objection subject to the inclusion of conditions of consent.

3.1.2 Stormwater Management

The proposed development will be connected to the existing stormwater infrastructure on the site.

Council's Engineer reviewed the application and raised no objection subject to the inclusion of conditions of consent.

3.1.3 Waste

A Waste Management Plan for the handling of demolition and construction waste was submitted with the Development Application.

Council's Waste Management Team reviewed the application and raised no objection subject to the imposition of recommended conditions of consent.

3.2 Built Environment

3.2.1 Built Form

Supporting documentation submitted with the application includes an Architectural Design Statement, which details the limitations of the existing facility and the design approach taken to improve the facilities while maintaining the heritage significance of the item. The statement identifies the main issues with the existing building as the entry to the 1920s building is not accessible, the male public toilet is not fit for purpose, the changing room showers and toilets lack accessible and gender inclusive facilities, the kiosk does not comply with food preparation standards, storage is insufficient for cricket and rugby, the clubroom on level one of the 1990s extension is only accessible via stairs, the public toilets are disconnected from the pavilion, there is no scorer's room, a lack of meaningful display area for club memorabilia, and the balcony doors do not allow for wide opening.

The Architectural Design Statement notes that the 1990s extension is not worthy of upgrade, while the 1920s building has heritage value. Rather than demolish the building wholesale, the design approach taken was to demolish the additions and construct a twin pavilion of complimentary modern design. This results in less building and less waste and maintains heritage values.

The design needed to balance public amenity, heritage values, universal access and guidelines for open space and sporting facilities. The twin building approach includes separation of buildings to reinstate the integrity of the 1920s grandstand as a standalone building, following the roof alignment of the original building, and activating the ground plane on all sides of the new building. The new building has a symmetrical floor plan like the original building and provides shelter around the perimeter of the building. The structure comprises a robust ground floor concrete podium with a lightweight prefabricated steel and timber structure above, allowing for material efficiency, fast construction, thermal mass and natural light and ventilation. The roof overhang provides weather protection and shade to the balcony and clubroom, while timber battens shade the western elevation. Solar panels are to be installed to the roof, which has an optimum north-easterly orientation.

The Architectural Design Statement satisfactorily demonstrates how the new pavilion meets the seven principles in the design excellence guidelines issued by the NSW Government Architect: better fit, better performance, better for community, better for people, better working, better value, better look and feel.

The proposed design is high performance and high quality and will deliver improved facilities for the sporting clubs and other users of the park.

Council's Building Surveyor has reviewed the proposal and provided no objection subject to the inclusion of conditions of consent.

3.2.2 Construction

Council's Environmental Protection team have reviewed the application and noted that there was insufficient information with regards to construction and demolition waste management, noting that "detailed demolition and construction management plan is not provided with the application and there are no plans to demonstrate locations of waste storage, construction material storage, stockpile storage etc". However, it was noted that this can be required through a condition of consent.

3.2.3 Traffic

No traffic and parking assessment was submitted with the proposed development. Given that the pavilion redevelopment is to cater for existing users of the park - NDCC in summer and HRC in winter - it is not expected that the development in and of itself will increase traffic movements to and from the site.

Council's Traffic Branch reviewed the proposal and recommended the DA be approved on traffic and parking grounds.

3.2.4 Noise

An acoustic assessment accompanies the Development Application, which assesses use of the kiosk and mechanical plant, plus use of the club room until midnight with a capacity of 160 people. Council's Environmental Protection Team have reviewed the submitted information including the Operational Management Plan and support the proposal subject to recommended conditions of consent including hours of operation of 7am to 10.30pm.

3.3 Social Impacts

The proposed pavilion redevelopment will improve the standard of sporting facilities in the area. The location is within walking distance of a densely populated area with excellent public transport links, which maximises the accessibility of the new facility. The design of the new pavilion is of a very high standard and will enhance the visual amenity of the park for other users of the park who may not be members of the sports clubs that utilise the pavilion.

4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider "*the suitability of the site for the development*".

The subject site has not been identified as bushfire prone or flood prone land. The site has been used as a recreation facility for over 100 years and is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION


Section 4.15(1)(d) of the Act requires Council to consider “any submissions made in accordance with this Act”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 15 January and 12 February 2024 in accordance with the Hornsby Community Engagement Plan. During this period, Council received no submissions. The map below illustrates the location of nearby landowners that were notified of the development application.



NOTIFICATION PLAN

<p>PROPERTIES NOTIFIED</p>	<p>NO SUBMISSIONS RECEIVED</p>	
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5.2 Public Agencies

The development application was not referred to any Public Agencies for comment.

6. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider “the public interest”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's criteria and would provide a development outcome that, on balance, would result in a positive impact for the community.

Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application proposes redevelopment of the cricket pavilion at Mark Taylor Oval in Waitara Park.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Having regard to the circumstances of the case, approval of the application is recommended.

The reasons for this decision are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed development is consistent with the Waitara Park Plan of Management and associated Masterplan.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy.

Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.