

 Previous

Policy & Strategy

MinuteNumber: Council Meeting Date: 28/08/2013

Council meeting date: 14/08/2013

Report Number: SD330078

Director City Strategy & Development Author: Billett B, Manager: Taylor T/ O'Connor M

ITEM: <#> PO1632

SUBJECT:

SD330078 - Planning Proposal in respect of the Rezoning of Reserves 614 and 618, Rooty Hill

FILE NUMBER: 48-614-5/4

SUMMARY OF REPORT:

1. In February 2013 a recreation planning analysis was reported to Council's Executive Management Committee (EMC) presenting the opportunity to provide additional sport and recreation facilities at Reserve 614, May Cowpe Reserve, Rooty Hill. This opportunity simultaneously negates the need for Council to purchase privately-owned land at Reserve 618, Rooty Hill where such acquisition would otherwise be required to provide the abovementioned sport and recreation facilities.
2. EMC resolved that a Planning Proposal be undertaken by an independent consultant and presented back to Council for consideration of rezoning of the 2 sites prior to a submission to the Department of Planning and Infrastructure (DPI) for a Gateway Determination.
3. Officers of Council's Planning Policy Section have reviewed the Planning Proposal and are satisfied that the proposal has sufficient merit to warrant referral to the DPI for a Gateway Determination.
4. This report provides an overview of the project and a copy of the Planning Proposal.
5. There are 5 attachments to this report:
 - Attachment 1** - Location Plan.
 - Attachment 2** - Aerial Photo of May Cowpe Reserve and Reserve 618, Rooty Hill.
 - Attachment 3** - Images of May Cowpe Reserve, Rooty Hill.
 - Attachment 4** - Images of Reserve 618, Rooty Hill.
 - Attachment 5** - Planning Proposal.
- 6.

REPORT:

1. Background

- a. Reserve 614, May Cowpe Reserve and Reserve 618 are located within Rooty Hill. Refer to **Attachment 1** for a location plan of these reserves. **Attachment 2** provides an aerial photo of May Cowpe Reserve and Reserve 618, Rooty Hill.
- b. May Cowpe Reserve (Reserve 614), located at John Street, Rooty Hill is 15.1 hectares (Ha) in size and currently includes one athletics track, one rugby league field, two tennis courts, car parking, cycleway, Angus Creek trunk drainage and the Rooty Hill Leisure Centre. Refer **Attachment 3** for images of May Cowpe Reserve, Rooty Hill.
- c. Whilst it is acknowledged that there are some issues of land zoning, land ownership and drainage, an opportunity has been identified to maximise the community sport and recreation opportunities that could be accommodated within May Cowpe Reserve.
- d. Reserve 618 is located between Gardner Street and the Great Western Highway, Rooty Hill (approximately 700m east of May Cowpe Reserve - Refer Location Plan at **Attachment 1**). It has been listed within Section 94 Contributions Plan No 1 (CP1) since 1993 as a sportsground that should accommodate a playing field, netball courts, an amenities building and a playground.
- e. The development of Reserve 618 as a sportsground has not occurred to date due to land acquisition requirements, topography and contamination. Refer **Attachment 4** for images of Reserve 618, Rooty Hill.
- f. CP1 currently identifies \$3,100,000 for the embellishment of Reserve 618. Endorsement has been provided by Council's internal Section 94 Committee and Council's EMC to instead provide community recreation facilities (similar to those originally proposed at Reserve 618) at May Cowpe Reserve (Reserve 614) for the following reasons:
 - i. Unfavourable topography at Reserve 618.
 - ii. Land ownership at Reserve 618.
 - iii. Land contamination in the form of motor oils due to current land usage at Reserve 618.
 - iv. Synergies with existing facilities at May Cowpe Reserve.
 - v. Cost savings.
- g. In order to progress and maximise the community sport and recreation opportunity presented at May Cowpe Reserve, various considerations are required to be resolved, primarily the current land zonings and ownership. Refer **Attachment 2** for an aerial photo of May Cowpe Reserve and Reserve 618, Rooty Hill, summarising these land matters.
- h. Quotations were sought for an independent consultant to develop a Planning Proposal for Reserves 614 and 618. Don Fox Planning (DFP) was the successful consultant from this process.
- i. **Attachment 5** to this report provides the Planning Proposal developed by DFP on Council's behalf.

2. Site Description and Reasons for Rezoning

- a. **Reserve 614, May Cowpe Reserve, John Street, Rooty Hill**
 - i. May Cowpe Reserve currently provides the opportunity to expand on its existing sporting facilities as outlined in Section 1 above.
 - ii.
 - iii. In order to realise this opportunity, various zoning issues are required to be addressed at May Cowpe Reserve, including the:

- Rezoning of 0.54Ha of undeveloped Council owned 3(a) (commercial) land to 6(a) (open space).
 - Proposed rezoning will provide a footprint for playing field development as well as increasing street frontage therefore, providing safe community open space.
- Rezoning of 0.62Ha of undeveloped Council owned 2(a) (residential) land to 6(a) (open space).
 - Proposed rezoning will provide footprint for reserve embellishment and access, as well as increasing street frontage therefore providing safe community open space.
- Rezoning of 0.5Ha of undeveloped privately owned 2(a) (residential) land to 6(a) (open space).
 - Proposed rezoning will provide a footprint for playing field development as well as increasing street frontage therefore providing safe community open space.
 - Council will need to purchase this land funded from Section 94 contributions.
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- iv. Attachments C and D of the Planning Proposal provide maps of the existing and proposed land zonings for Reserve 614. This is referred to as Site 1 and Site 2 within the Planning Proposal.
- v.
- vi. In addition to the zoning considerations listed above, this site also requires detailed drainage investigations which are proposed to be undertaken as part of the masterplanning process for May Cowpe Reserve.
- b. **Reserve 618, Gardner Street, Rooty Hill**
 - i. Reserve 618 is identified within CP1 as a sportsground. However, the site has yet to be developed due to various land development matters. In order to realise the future development of May Cowpe Reserve, various zoning issues at Reserve 618 are required to be addressed, including the:
 - Rezoning of 3.05Ha of privately owned 6(a) (open space) land to 2(a) (residential).
 - Proposed rezoning would negate the need for Council to acquire this land to provide a sportsground, saving in the order of \$6 million.
 - Rezoning of 1.23Ha of undeveloped Council owned 6(a) (open space) land to 2(a) (residential).
 - Rezoning of unused open space would enable the sale of land valued at approximately \$2.5million.
 - ii. Attachments C and D of the Planning Proposal provide maps of the existing and proposed land zonings for Reserve 618. This is referred to as Site 3 within the Planning Proposal.

3. The Planning Proposal Process

- a. In July 2009 the NSW Government introduced reforms to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).
- b. An integral part of the new planning reforms, and as part of the process of amending a Local Environment Plan (LEP), is the preparation of a "Planning Proposal" under Section 55 of the EP&A Act 1979. The Planning Proposal must stipulate the intent, benefits and any impacts of the proposed LEP amendment, as well as compliance with relevant State Government Growth Strategies, Ministerial

Directions and State Environmental Planning Policies.

- c. If Council decides to proceed, the next step in the process is to forward Council's resolution and the Planning Proposal to the Minister for Planning and Infrastructure to request a "Gateway Determination".
- d. The Gateway Determination will stipulate whether the Minister supports the amendment to proceed to the next stage and, if so, it will detail the requirements for any further technical studies, consultation with government authorities (Section 56 of the Act) and public exhibition timeframes (Section 57 of the Act).
- e. The Gateway Determination will therefore decide:
 - i. If Council can proceed with the Planning Proposal with or without variations.
 - ii. Whether amendments or changes are required to the Planning Proposal prior to proceeding.
 - iii. Whether further technical studies are required.
 - iv. Whether consultation with Government Departments or agencies is required.
 - v. The period of public consultation and public hearing requirements.
 - vi. The timeframe for finalisation of the Planning Proposal.
- f. After public exhibition of the proposal and consideration of submissions, a further report will be prepared for Council's consideration.
- g. Section 58 of the EP&A Act 1979 provides a process by which Council can seek to vary a Planning Proposal after the initial Gateway Determination. Following public exhibition and Council's consideration of submissions and further technical studies, if Council varies the proposal it must inform the Minister for Planning and Infrastructure, who may issue a revised Gateway Determination, depending on the nature of the variation.
- h. As this proposal is assessed as being of merit, it is considered that Council should proceed to request a Gateway Determination.

4. The Rezoning Proposal

- a. **Attachment 5** provides the Planning Proposal for the rezoning of land as outlined in Section 2 to this report.
- b. The Planning Proposal details the existing and proposed land zonings as well as detailed justification on the rezoning reasoning for each site.
- c. This report seeks Council's endorsement for the Planning Proposal to be sent to the DOPI for a Gateway Determination.
- d. Upon the endorsement of Council to proceed to Gateway Determination for the Planning Proposal, a formal application to enable progression of this matter under the provisions of the EP&A Act 1979 will be made to Council.
- e. Council's City Strategy and Development Directorate will have ultimate carriage of the proposal to ensure legislative requirements, probity issues and procedural imperatives are properly addressed and satisfied.

5. Other Considerations

- a. A review of CP1 is required in order to reallocate funds from Reserve 618 to May Cowpe Reserve. This will enable the nature of facilities currently listed in the Plan to be addressed, along with the abovementioned rezoning and funding requirements.
- b. This report will recommend that CP1 be reviewed to reflect the attached Planning Proposal and be reported back to Council following public exhibition.
- c. Following the rezoning process and review of CP1, a Masterplan is proposed to be undertaken for May Cowpe Reserve and presented back to Council for consideration. This will involve detailed studies required as part of the planning approval process, including but not limited to drainage, flora and fauna and heritage

assessments.

6. Conclusion

- a. The Planning Proposal provided at **Attachment 5** to this report details the existing and proposed land zonings, as well as detailed justification on the reasoning behind each site at Reserves 614 and 618, Rooty Hill.
- b. In addition, once the Planning Proposal is finalised, a review of CP1 is required to reflect the proposed future embellishment of May Cowpe Reserve in place of Reserve 618.

▼ RECOMMENDATION:

1. Council resolve to proceed to Gateway Determination for the Planning Proposal and a formal application to the NSW Department of Planning and Infrastructure be made to enable progression of this matter, with Council's City Strategy and Development Directorate taking carriage of the Planning Proposal and associated process.
2. Council's General Manager be delegated authority to:
 - a. Forward the Planning Proposal and accompanying documentation to the Department of Planning and Infrastructure for a Gateway Determination.
 - b. Make any necessary changes to the Planning Proposal and accompanying documents as a consequence of this report and undertake any negotiations with the Department of Planning and Infrastructure regarding the contents of the Planning Proposal as part of the Gateway Determination.
 - c. Place the Planning Proposal and accompanying documentation on public exhibition in accordance with the Environmental Planning and Assessment Act 1979, upon receipt of the Gateway Determination to proceed.
3. Section 94 Contributions Plan No.1 be reviewed to reflect the attached Planning Proposal once finalised and be reported back to Council following public exhibition.

▼ ATTACHMENTS:

Attachment 1 - Location Plan.



[A1SD330078.pdf](#)

Attachment 2 - Aerial Photo of May Cowpe Reserve and Reserve 618, Rooty Hill.



[A2SD330078.pdf](#)

Attachment 3 - Images of May Cowpe Reserve, Rooty Hill.



[A3SD330078.pdf](#)

Attachment 4 - Images of Reserve 618, Rooty Hill.



[A4SD330078.pdf](#)

Attachment 5 - Planning Proposal.



A5SD330078.pdf

▼ COMMITTEE RECOMMENDATION:

1. Council resolve to proceed to Gateway Determination for the Planning Proposal and a formal application to the NSW Department of Planning and Infrastructure be made to enable progression of this matter, with Council's City Strategy and Development Directorate taking carriage of the Planning Proposal and associated process.
2. Council's General Manager be delegated authority to:
 - a. Forward the Planning Proposal and accompanying documentation to the Department of Planning and Infrastructure for a Gateway Determination.
 - b. Make any necessary changes to the Planning Proposal and accompanying documents as a consequence of this report and undertake any negotiations with the Department of Planning and Infrastructure regarding the contents of the Planning Proposal as part of the Gateway Determination.
 - c. Place the Planning Proposal and accompanying documentation on public exhibition in accordance with the Environmental Planning and Assessment Act 1979, upon receipt of the Gateway Determination to proceed.
3. Section 94 Contributions Plan No.1 be reviewed to reflect the attached Planning Proposal once finalised and be reported back to Council following public exhibition.

▼ COUNCIL RESOLUTION:

1. Council resolve to proceed to Gateway Determination for the Planning Proposal and a formal application to the NSW Department of Planning and Infrastructure be made to enable progression of this matter, with Council's City Strategy and Development Directorate taking carriage of the Planning Proposal and associated process.
2. Council's General Manager be delegated authority to:
 - a. Forward the Planning Proposal and accompanying documentation to the Department of Planning and Infrastructure for a Gateway Determination.
 - b. Make any necessary changes to the Planning Proposal and accompanying documents as a consequence of this report and undertake any negotiations with the Department of Planning and Infrastructure regarding the contents of the Planning Proposal as part of the Gateway Determination.
 - c. Place the Planning Proposal and accompanying documentation on public exhibition in accordance with the Environmental Planning and Assessment Act 1979, upon receipt of the Gateway Determination to proceed.
3. Section 94 Contributions Plan No.1 be reviewed to reflect the attached Planning Proposal once finalised and be reported back to Council following public exhibition.