

Planning Services

Gateway Determination Report

LGA	The Hills Shire
RPA	The Hills Shire Council
NAME	Rezoning to RE1 Public Recreation and identify site on land reservation map for the purpose of an open space facility (0 dwellings).
NUMBER	PP_2017_THILL_011_00
LEP TO BE AMENDED	The Hills Shire Local Environmental Plan 2012
ADDRESS	3 Gilmour Close, 7–13 Glenhaven Road and 1 Kyle Avenue, Glenhaven
DESCRIPTION	Lot 1 DP 261810, Lots 8 & 9 DP 25902, Lot 1 DP 844862, Lot 1 DP 524622 and Lot 1 DP 207788
RECEIVED	25/09/2017
FILE NO.	17/13466
QA NUMBER	qA419269
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend The Hills Local Environmental Plan 2012 for land at 3 Gilmour Close, 7–13 Glenhaven Road and 1 Kyle Avenue, Glenhaven by rezoning the land from RU6 Transition to RE1 Public Recreation and to identify the land on the Land Reservation Acquisition Map to provide for a future open space facility.

Site Description

The planning proposal applies to land at 3 Gilmour Close, 7–13 Glenhaven Road and 1 Kyle Avenue, Glenhaven (identified in Figure 1 below). The subject site is approximately 10 hectares and comprises 6 rural-residential lots containing four dwellings and the Glenhaven Rural Fire Service (located at 11 Glenhaven Road). The site also comprises two dams and vegetation.

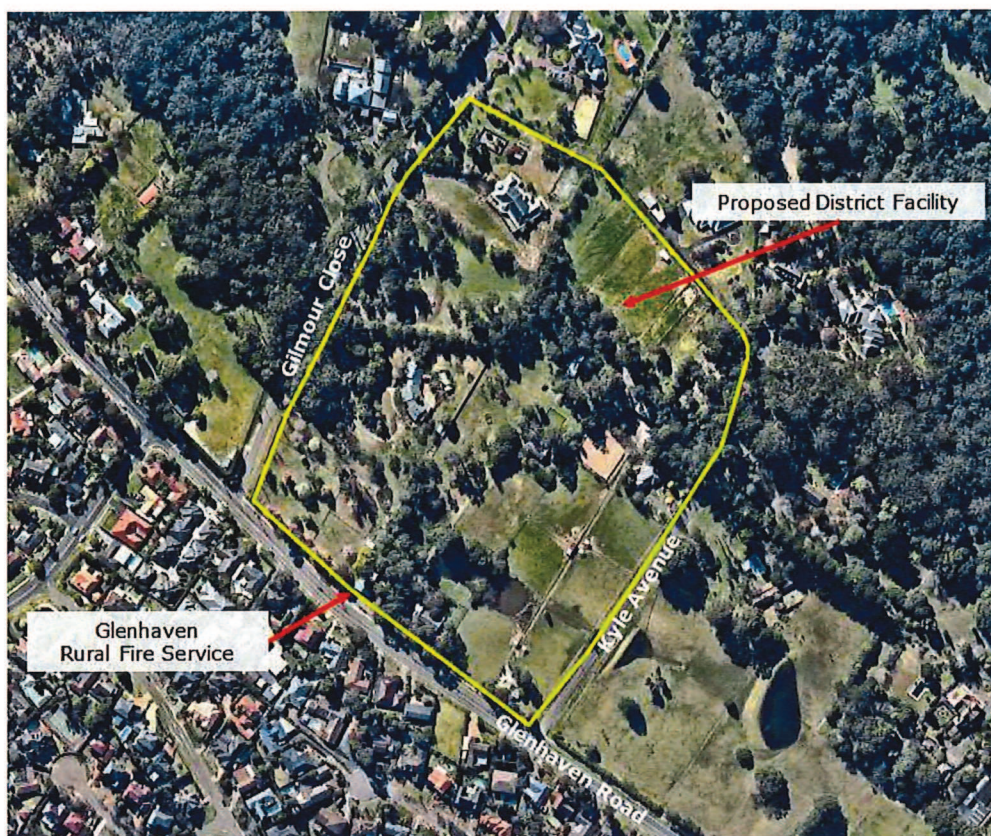


Figure 1: Site location (outlined in yellow).

Surrounding Area

The subject site is surrounded by rural-residential lots to the north of Glenhaven Road and low density residential uses to the south of Glenhaven Road. The subject site is located approximately four kilometres from the Castle Hill North Precinct and five and a half kilometres from the Cherrybrook Precinct.

Summary of Recommendation

The planning proposal has merit and should proceed subject to conditions as it will enable the provision of local open space and public recreation facilities to meet the needs of the existing and future population of the surrounding area. The proposal will deliver suitable district open space facilities.

PROPOSAL

Objectives or Intended Outcomes

The objective of the planning proposal is to amend The Hills Local Environmental Plan 2012 to facilitate a district open space facility of approximately 10 hectares on the subject land, which will consist of:

- four playing fields;
- two cricket ovals;
- four tennis courts;
- amenities; and
- associated car parking.

Explanation of Provisions

The planning proposal is to amend The Hills Local Environmental Plan 2012 by:

- amending the Land Zoning Map to rezone 3 Gilmour Close, 7–13 Glenhaven Road, and 1 Kyle Avenue, Glenhaven from RU6 Transition to RE1 Public Recreation; and
- amending the Land Reservation Acquisition Map to identify 7, 9 and 13 Glenhaven Road, 1 Kyle Avenue and 3 Gilmour Close, Glenhaven (Lot 8 & 9 DP25902, Lot 1 DP524622, Lot 1 DP207788 and Lot 1 DP261810) as Local Open Space, to be acquired by Council.

Mapping

The planning proposal seeks to amend the existing Land Zoning Map and Land Reservation Acquisition Map for the subject site. The mapping contained in the planning proposal documentation is clear and sufficient for the purposes of public exhibition.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is the result of an infrastructure analysis investigation undertaken as part of the Castle Hill North planning proposal (PP_2016_THILL_002_00), which received a Gateway determination on 2 November 2016. As part of the Castle Hill North planning proposal, a draft Contributions Plan and draft Public Domain Plan were also considered by Council. Council considered the need to rezone land for the purpose of a new open space facility to meet the open space demand generated by the additional population expected within Castle Hill North. The subject site at 3 Gilmour Close, 7–13 Glenhaven Road, and 1 Kyle Avenue, Glenhaven was identified as a suitable site for a new district open space facility.

The planning proposal's provision of an open space facility supports Council's anticipated growth of the Precinct of approximately 6,045 residents by 2036 (draft Castle Hill North planning proposal). Council anticipates the subject proposal's facility would be able to support the recreation needs of approximately 16,000 residents. Council has also indicated that the existing playing fields within the vicinity of the Precinct are operating at capacity.

While the subject site is located approximately four kilometres from the Castle Hill Precinct, as per the Castle Hill North Precinct draft Contributions Plan (associated with the Precinct's planning proposal), Council has selected the site as appropriate for the proposed open space facility as it is the closest rural zoned land to the Precinct, is in reasonable proximity to the precinct boundary and presents few constraints and greater opportunities for increasing the capacity of Council's open space network in response to anticipated growth. Further, Council also states in accordance with the draft Contributions Plan, a clearer nexus argument for the proposed facility can be established for levying development in the Castle Hill Metro Precinct due to its proximity.

STRATEGIC ASSESSMENT

A Plan for Growing Sydney

The Directions of A Plan for Growing Sydney which apply to the proposal are:

- Direction 3.1 Revitalise existing suburbs;
- Direction 3.2 Create a network of interlinked, multipurpose and green spaces across Sydney; and
- Direction 3.3 Create healthy built environments.

The planning proposal aligns with these directions.

The actions of A Plan for Growing Sydney which apply to the proposal are:

- Action 3.1.1: Support urban renewal by directing local infrastructure to centres where there is growth; and
- Action 3.2.1: Deliver the Sydney green grid project.

The proposal is consistent with these actions with respect to the site's proximity to the future growth area of the Castle Hill North Precinct and the proposed provisions of open space facilities.

Draft West Central District Plan

The actions of the draft West Central District Plan which relate to the proposal are:

- Action L9: Coordinate infrastructure planning and delivery for growing communities; and
- Action L15: Support planning for shared spaces.

The proposal is consistent with these actions in that it would provide a district open space facility to accommodate the needs of the existing and future community of the surrounding area.

Local

The Hills Future 2017–2012 Community Strategic Plan

The Hills Community Strategic Plan sets out the shared values of the community and Council and local policy framework. The planning proposal is consistent with the key outcome of the Community Strategic Plan to ensure the safety of public spaces and to provide recreational and leisure activities that support an active lifestyle for existing and future residents resulting from meeting growth targets.

Local Strategy

Council's Local Strategy is supported by seven (7) Strategic Directions, those of relevance to this proposal being the Residential Direction, Environment and Leisure Direction and Integrated Transport Direction. A summary of the consistency of the planning proposal with these Directions is provided below:

- *Residential Direction*
The planning proposal is consistent with the principles of the Local Strategy Residential Direction as it provides a range of leisure facilities that contributes to sustainable living for residents;
- *Environment and Leisure Direction*
The planning proposal is consistent with the principles of the Local Strategy Environment and Leisure Direction as it contributes to the diversity and quality of open spaces and recreational opportunities to meet the needs of local residents. The Direction also refers to The Hills Recreation Strategy 2008 which identified a shortage of sporting fields in the area. The proposal will assist in addressing the shortage and contribute to the delivery of appropriate recreational infrastructure.

The Hills Corridor Strategy

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the Department of Planning and Environment and Transport for NSW's North West Rail Link Corridor Strategy (2013) (Sydney Metro North West) and associated Station Structure Plans.

The proposal is consistent with the Strategy as it will contribute open space and recreational facilities that is in line with population growth. Land within the nearby Cherrybrook and Castle Hill Railway Station Precincts have been found to have sufficient passive and active open spaces for the existing population, however further opportunities must be investigated to meet the needs for the future population anticipated in these Precincts.

The planning proposal responds to the needs of the Cherrybrook and Castle Hill Railway Station Precincts, as it will facilitate the needs of a larger population within a reasonable proximity.

Note, Council prepared a planning proposal for the Castle Hill North Precinct which seeks to rezone land and increase the maximum height of buildings and floor space ratio controls to enable the delivery of approximately 3,283 dwellings in the precinct. The Castle Hill North Precinct planning proposal is accompanied by a site-specific development control plan and development contributions plan. The plans identify the need for open space and recreational facilities, including the suitability of the subject site to provide such facilities.

The planning proposal is consistent with the Castle Hill North Precinct planning proposal.

Section 117(2) Ministerial Directions

The proposal is consistent with all Directions except for the following:

- Direction 4.4 Planning for Bushfire Protection
This Direction requires the sound management of bush fire prone areas and to protect life, property and the environment from such hazards. This Direction is relevant for the subject planning proposal as a significant portion of the subject site is identified as bushfire prone land, as Category 1 and Buffer Zone on the Hills Shire Council's Bush Fire Prone Land Map 2012. A planning proposal must have regard to the provisions of *Planning for Bushfire Protection 2006*, introduce controls that avoid placing inappropriate development in hazardous areas and to provide for an appropriate performance standard in consultation with the NSW Rural Fire Service. The Gateway determination (**Attachment C**) recommends consultation with the NSW Rural Fire Service will be required to ensure that the proposal is consistent with this Direction; and
- Direction 6.2 Reserving Land for Public Purposes
This Direction requires that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning. In principle, as Council has not yet obtained approval from the Secretary, the proposal is inconsistent with this Direction. However, as Council is the relevant public authority in this instance, and the subject planning proposal includes the reservation of land for a public purpose, the Department's assessment of the planning proposal and recommendation to proceed to a Gateway determination, supports the acquisition of the land. Therefore, the proposal's inconsistency is considered to be of minor significance.

The following comments are also provided in relation to other key relevant Directions:

- Direction 1.2 Rural Zones
This Direction seeks to protect the agricultural production value of rural land. The direction requires that a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone or rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The planning proposal seeks to

rezone the subject site from RU6 Transition to RE1 Public Recreation, rather than any residential, business, industrial, village or tourist zones. Further, the subject site currently comprises rural-residential developments that are not used for agricultural purposes. The planning proposal is therefore considered to be consistent with this Direction; and

- **Direction 4.3 Flood Prone Land**

This Direction aims to ensure that the provisions of an LEP considers the potential flood impacts both on and off the subject land and requires that a planning proposal must not permit development that will result in significant flood impacts to other properties. The subject site is not flood prone; however it is in close proximity to flood prone land to the north and west, identified under Council's Flood Controlled Land Map. It is not anticipated that the planning proposal will require any additional flood mitigation measures for nearby flood prone land. Therefore, the proposal is considered to be consistent with this Direction.

State Environmental Planning Policies

The planning proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs):

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 aims to provide greater efficiency and flexibility in the location and delivery of infrastructure and service facilities through regulatory certainty and a consistent planning regime. The applicable clauses of the SEPP (Infrastructure) are under Division 12 Parks and other public reserves. Clause 65 under Division 12 allows development for the purposes of outdoor recreational facilities (including playing fields) as well as lighting, landscaping, amenity facilities and car parking to be carried out by Council without consent.

However, it is recommended that the Gateway determination require a traffic impact assessment in consultation with RMS, to be completed prior to public exhibition of the planning proposal. Further, it is noted that a future environmental impact assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* will be undertaken as part of the development assessment process which will require further consideration of design and parking matters.

SITE SPECIFIC ASSESSMENT

Social

The facility has been identified to meet the increasing demand for active open space as generated by the future growth within the Sydney Metro Northwest Corridor. The planning proposal will encourage the community to partake in outdoor activities. It will create a social space where the community can interact through participation and enjoyment of sports and other leisure activities.

Given that private land is being zoned for a public purpose and is to be acquired by Council, it is recommended that a condition be included on the Gateway determination that requires Council to write to the subject land owners. This will ensure all landowners are informed of the proposal and consultation process early in the rezoning process.

Environmental

Vegetation

Existing vegetation on the site comprises of Sandstone Gully Forest, which is sparse due to significant clearing. There are no known threatened species, populations or ecological communities on the subject site.

Traffic

Access to the facility will be via the road network. Although Council has stated it is undertaking strategic investigations in regard to the upgrade of Glenhaven Road and Old Northern Road it is considered that early consultation should be undertaken with RMS. It is recommended as part of the Gateway determination that a traffic study is prepared in consultation with the Transport for NSW – RMS prior to community consultation of the planning proposal to analyse the proposal's impact upon parking demand and traffic generation.

Amenity impacts

Following Gateway, as the design of the district facility progresses, impacts to acoustic and visual amenity, such as noise and light spill will require detailed consideration together with opportunities to mitigate impacts such as landscape buffers and the hours of operation which can be considered as part of future assessment under Part 5 of the *Environmental Planning and Assessment Act 1979*.

Economic

Council anticipates that the provision of open space facilities on the subject land will be funded by future development in the surrounding area. As previously noted, the proposed facility has been identified within the draft Contributions Plan for the Castle Hill North Precinct, which states that future development within the Precinct would be levied for 38% of the land and capital cost of the facility. Council anticipates that the remaining cost of the providing the facility will be covered by future development within the remainder of the Castle Hill Station Precinct as well as potentially future development within the Cherrybrook Station Precinct.

Infrastructure

The planning proposal will facilitate the delivery of infrastructure required to support growth along the Castle Hill and Cherrybrook Railway Station Precincts. Contributions from these Precincts will help facilitate the provision of open space and transport infrastructure upgrades needed to support future residents. With the exception of transport infrastructure, the planning proposal is unlikely to place any additional demand on public infrastructure. As Glenhaven Road is used as a regional thoroughfare, consultation with the NSW Roads and Maritime Services will be required, should Gateway determination be issued.

CONSULTATION

Community

A community consultation period of 28 days is considered an appropriate amount of time to gauge the response by the community.

Agencies

Referral to the following agencies is recommended:

- NSW Rural Fire Service; and
- Transport for NSW – Roads and Maritime Services.

TIMEFRAME

The proposed timeframe to finalise this planning proposal is 9 months.

DELEGATION

Council has requested delegation of the plan-making function in relation to this planning proposal and it is recommended that delegation of the Greater Sydney Commission be issued.

CONCLUSION

The planning proposal has merit and should proceed subject to conditions as it will enable the provision of local open space and public recreation facilities to meet the needs of the existing and future population of the surrounding area. As the future population within the Sydney Metro Northwest Corridor will generate demand for new recreational facilities and the existing playing fields within the vicinity of the precinct are already operating at capacity, there is limited potential to accommodate any additional demand within the existing facilities. Therefore, creating additional playing fields ensures that the future population is provided with appropriate active open space facilities.

RECOMMENDATION

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to prepare a traffic study in consultation with the Transport for NSW – RMS.
2. The planning proposal should be made available for community consultation for a minimum of 28 days. Written notice of the public exhibition of the planning proposal is to be sent to all land owners whose land is the subject of this planning proposal.
3. Consultation is required with the following public authorities/organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - NSW Rural Fire Service; and
 - Transport for NSW – Roads and Maritime Services.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



17/10/17

Adrian Hohenzollern
Team Leader, Sydney Region West



17/10/17

Catherine Van Laeren
Director Regions, Sydney Region West
Planning Services

Contact Officer: Angela Hynes
Senior Planning Officer, Sydney Region West
Phone: 9860 1558