

## Gateway determination report

<b>LGA</b>	The Hills Shire
<b>PPA</b>	The Hills Shire Council
<b>NAME</b>	Reclassification of 15Z Nelson Road, Box Hill from community to operational land (0 Homes, 0 jobs)
<b>NUMBER</b>	PP 2019 THILL 002 00
<b>LEP TO BE AMENDED</b>	State Environmental Planning Policy (Sydney Region Growth Centres) 2006
<b>ADDRESS</b>	15Z Nelson Road, Box Hill
<b>DESCRIPTION</b>	Lot 1 DP 136174
<b>RECEIVED</b>	17 June 2019
<b>FILE NO.</b>	IRF19/4103
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Schedule 4 of Appendix 11 The Hills Growth Centres Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to reclassify Council-owned land at 15Z Nelson Road, Box Hill (Lot 1 DP 136174) from 'community' to 'operational' land to enable the potential sale of the site.

The planning proposal will not amend the current B2 Local Centre zoning or any other development controls applying to the site. The planning proposal would not facilitate any additional housing or jobs on the site. The site is owned by Council. There are no interests or leases attached to the land.

### 1.2 Site description

The site (3,724m<sup>2</sup>) is located within the Nelson Road Village in the Box Hill Growth Centre (**Figure 1**).

The site was compulsorily acquired by Council in 1986 for the purpose of providing, controlling and managing the land for public purposes for the benefit of the local community. The site has a small community hall with a seating capacity of 100 persons, outbuildings and at-grade car parking. It is occupied by the Box Hill Community Centre and is being used for purpose of a community centre. The rezoning of the Box Hill Precinct for urban development in 2006 has created the need for new community facilities, with greater capacity and functionality than this existing building. Council was not able to secure funding for the delivery of such a facility through Contribution Plans for the Box Hill Precinct as the community facilities are considered non-essential works.

Council has advised, the proceeds received from sale of the site would be used to deliver a new and large community facility to serve the Box Hill Precinct. Further, there is an opportunity for such a facility to be located within the future Bligh Reserve sporting complex, which is near the existing community centre.

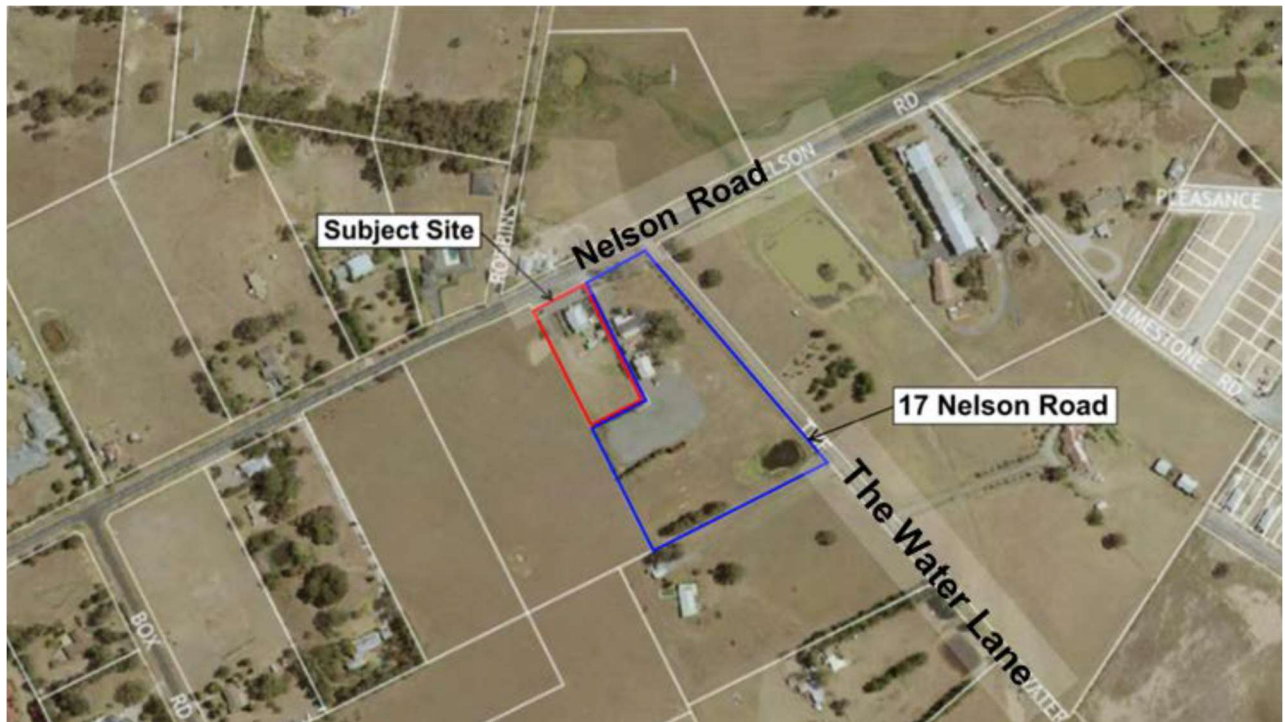


Figure 1: Aerial view of the site (red) and 17 Nelson Road (blue)

### 1.3 Existing planning controls

Under SEPP (Sydney Region Growth Centres) 2006, the following zone and development controls apply to the site:

- B2 Local Centre zone (see **Figure 2**);
- a 600m<sup>2</sup> minimum lot size;
- an 16m maximum building height; and
- a 1:1 maximum floor space ratio.



Figure 2: Zoning of the subject site

#### 1.4 Surrounding area

The land is part of the future Nelson Road Village Centre. A development application for an adjoining site at 17 Nelson Road, Box Hill for the demolition of existing structures and construction of a mixed-use development including shop top housing (187 apartments, 19 retail stores and 3000m<sup>2</sup> supermarket), an 80-place child care centre and parking, was approved by Sydney West Central Planning Panel in January 2018 (see **Figure 3**).

The owner and developer of 17 Nelson Road, Box Hill has now approached Council to buy the site at 15Z Nelson Road to incorporate it with the broader Nelson Road Village Development concept.



Figure 3: 15Z Nelson Road and approved plan for 17 Nelson Road, Box Hill

### 1.5 Summary of recommendation

It is recommended that the planning proposal proceed with conditions as the reclassification and sale of the site would enable the land to be incorporated into the redevelopment of Nelson Road Village Centre. This would promote an orderly development outcome at this location. The funds from sale of the site would be used to provide a new improved community facility on Council land at a nearby location.

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The objective of this planning proposal is to reclassify land at 15Z Nelson Road, Box Hill from 'community' to 'operational' land to enable the potential sale of the site to the developer of the adjoining Nelson Road Village Centre. This sale of land is subject to separate negotiations and is not part of this planning proposal.

The sale of the site would promote an orderly development outcome at this location and funds from the sale would be used to provide a new and superior community facility at a nearby location.

### **2.2 Explanation of provisions**

The planning proposal seeks to amend Schedule 4 of Appendix 11 The Hills Growth Centres Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to reclassify the site from 'community' to 'operational' land.

The planning proposal does not seek to amend the current B2 Local Centre zoning or development controls applying to the site.

The planning proposal does not involve discharge of any interest.

The explanation of provisions is adequate for public exhibition.

### **2.3 Mapping**

The planning proposal does not involve any changes to the SEPP maps.

## **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is not the result of any strategic study or report. It is in response to an adjoining owner and developer approaching Council to buy the subject land. The proposal is Council's initiative to incorporate the subject site into the broader Nelson Road Village development outcome.

The planning proposal is considered to be the best way to achieve its objectives as the proposal would promote orderly outcomes for the Nelson Road Village, which would assist in the provision of a new community centre to service the Box Hill precinct.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 Regional / District**

#### Central City District Plan

The planning proposal is consistent with *Planning Priority C1-Planning for a city supported by infrastructure of the Central City District Plan* as it will encourage infrastructure growth within the Box Hill Precinct. Funds received from the sale of the subject land would be used for the construction of future community facilities on a nearby Council owned site.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.



### **4.3 Local**

#### **The Hills Future Community Strategic Plan**

This Plan provides a strategic vision, where the Hills would like to be in the future.

The proposal is consistent with the Plan as it will assist in realisation of the Hills future outcomes of well-planned and liveable neighbourhoods.

#### **The Hills Local Strategy**

The Strategy among other things, aims to create vibrant, accessible centres that meet the needs of the community, are attractive to visit and improve the functioning and viability of existing centres through revitalisation and redevelopment.

The proposal is consistent with the intent of this Strategy as the redevelopment of the site and potential sale of this site would promote an orderly outcome on the Village Centre site.

### **4.4 Section 9.1 Ministerial Directions**

#### **Direction 1.1 Business and Industrial Zones.**

The proposal is consistent with this Direction as the proposal retains the areas, locations of existing business zone and has the potential to increase the capacity of the B2 zoned area/Nelson Road Village for the intended commercial uses if it is sold to the adjoining developer at 17 Nelson Road.

#### **Direction 6.2 Reserving Land for Public Purposes**

The Direction requires that the amendment should not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the delegate of the Secretary of the Department of Planning, Industry and Environment.

This Direction applies as the proposal seeks to remove the public reserve status from the site to enable the sale of the site to the adjoining land owner. The site is owned by Council. Given Council has requested the reclassification and removal of the status of the land, the planning proposal satisfies the requirement of the Direction which requires the approval of the relevant authority. The delegate of the Secretary's approval, however, has not been provided.

In the circumstances, any inconsistency is of minor significance as the proposal will facilitate the sale of the site and enable orderly development outcome for the Nelson Road Village Centre and the proceeds from sale of the site would be utilised to provide a new and superior community facility at a nearby location.

#### **Direction 7.4 Implementation of North West Growth Area Land Use and Infrastructure Implementation Plan**

The objective of this Direction is to ensure that development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy.

A key objective of the Strategy is to identify and coordinate the delivery of infrastructure that will support housing and employment growth to ensure there is an ongoing supply of development ready land in the Sydney's northwest.

The planning proposal is consistent with the Strategy as the proceeds from sale of the site would contribute to the delivery of a new community facility which would serve in excess of 10,000 additional dwelling that are anticipated in the Precinct.

#### **4.5 State environmental planning policies (SEPPs)**

Given the minor nature of the proposal, which seeks to reclassify the site from community to operational land, the planning proposal is considered to be consistent with relevant SEPPs.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **5.1 Social and Economic**

The redevelopment of the site as part of the adjoining mixed-use development at 17 Nelson Road, Box Hill would result in an appropriate use of the site. Further, funds generated from the sale of the site would enable construction of a new community centre within the Box Hill Precinct. The proposal would promote a more suitable built form outcome that will deliver positive social and economic effects for the Nelson Road Village.

#### **5.2 Environmental**

The planning proposal does not impose any adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats. The site is not identified as bushfire or flood prone.

#### **5.3 Infrastructure**

The planning proposal notes that the site is serviced by a range of infrastructure including water, sewer and electricity.

It is recommended that during the public exhibition stage, Council with Roads and Maritime Services, Transport for NSW, and Sydney Water.

### **6. CONSULTATION**

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#### **6.1 Community**

A public exhibition period of 28 days is considered appropriate to gauge the community's response to the proposal.

As the planning proposal seeks to reclassify public land from 'community' to 'operational', Council will also hold a public hearing under the requirements of the *Local Government Act 1993*. This will give the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

#### **6.2 Agencies**

The Department recommends Council consult the following state agencies in relation to the planning proposal:

- Roads and Maritime Services;
- Transport for NSW; and
- Sydney Water.

Should these agencies require any additional information or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

## **7. TIME FRAME**

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Council proposes a time frame of 8 months to finalise this planning proposal. Given the nature of the planning proposal, a 9 month time frame is considered appropriate.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has not requested authorisation to be the local plan-making authority in relation to this planning proposal.

Given the planning proposal does not involve removal of any public reserve status or the extinguishment of any interest on the land, the Governor's approval is not required. However, as the planning proposal affects Council-owned land, Council should not be authorised as the local plan-making authority.

## **9. CONCLUSION**

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The Department recommends that the planning proposal proceeds with conditions, given that it will facilitate the sale of the site and enable orderly development outcome for the Nelson Road Village Centre. Further, the proceeds from sale of the site would be utilised to provide a new and superior community facility at a nearby location.



## 10. RECOMMENDATION

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It is recommended that the Executive Director, Central River City and Western Parkland City as delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 6.2 Reserving Land for a Public Purpose is justified.

It is recommended that the Executive Director, Regions as delegate of the Minister for Planning and Public Spaces determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - Roads and Maritime Services;
  - Transport for NSW; and
  - Sydney Water;
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
5. An independent chaired public hearing is to be conducted as required under the Local Government Act 1993.



8/07/2019

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