

ITEM-2	RECLASSIFICATION PLANNING PROPOSAL - 15Z NELSON ROAD, BOX HILL (FP183)
THEME:	Delivering & Maintaining Infrastructure.
OUTCOME:	8 Infrastructure meets the needs of our growing Shire.
STRATEGY:	8.1 Provide new and refurbished infrastructure in a timely manner that meets the needs of our growing Shire.
MEETING DATE:	12 MARCH 2019 COUNCIL MEETING
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS
AUTHOR:	TOWN PLANNER JONATHAN TOLENTINO
RESPONSIBLE OFFICER:	ACTING MANAGER FORWARD PLANNING NICHOLAS CARLTON

EXECUTIVE SUMMARY

This report recommends that Council initiate a planning proposal seeking to reclassify land at 15Z Nelson Road, Box Hill (The Box Hill Nelson Community Centre) from 'community' to 'operational' in order to enable the potential sale of the site.

The land occupies part of the future Nelson Road Village Centre and the owner and developer of the remaining land within the Village Centre has approached Council with a view to commencing negotiations to purchase Council's land. Reclassification and sale of the site would enable for the land to be incorporated into the redevelopment of the Nelson Road Village Centre and would promote orderly development outcomes at this location.

The sale of the land (subject to negotiations) also has the potential to generate funds for the provision of a new community facility in close proximity to the site. Council is unable to fund the construction of planned community facilities within Box Hill Precinct through the existing contributions framework as IPART and the Department of Planning and Environment classify community facilities as "non-essential" infrastructure. Accordingly, proceeds from the sale of this land could, in part, enable the delivery of the community facilities required to support development within the Box Hill Precinct.

The reclassification of the land, to enable its potential sale, is considered to be in the public interest as it will promote orderly development outcomes within the Nelson Road Village Centre and assist Council in partially funding the provision of new infrastructure required to service the Box Hill Precinct.

BACKGROUND AND THE SITE

The Box Hill Nelson Community Centre is located at 15Z Nelson Road, Box Hill. The land has an area of 3,724m², is zoned B2 Local Centre and is classified as 'community' land. The land was acquired by Council on 18 April 1986 for the purpose of providing, controlling and managing the land for public purposes and the benefit of the local community. Council resolved to classify the land as 'community' land in December 2008 in response to a request received from a resident at that time.

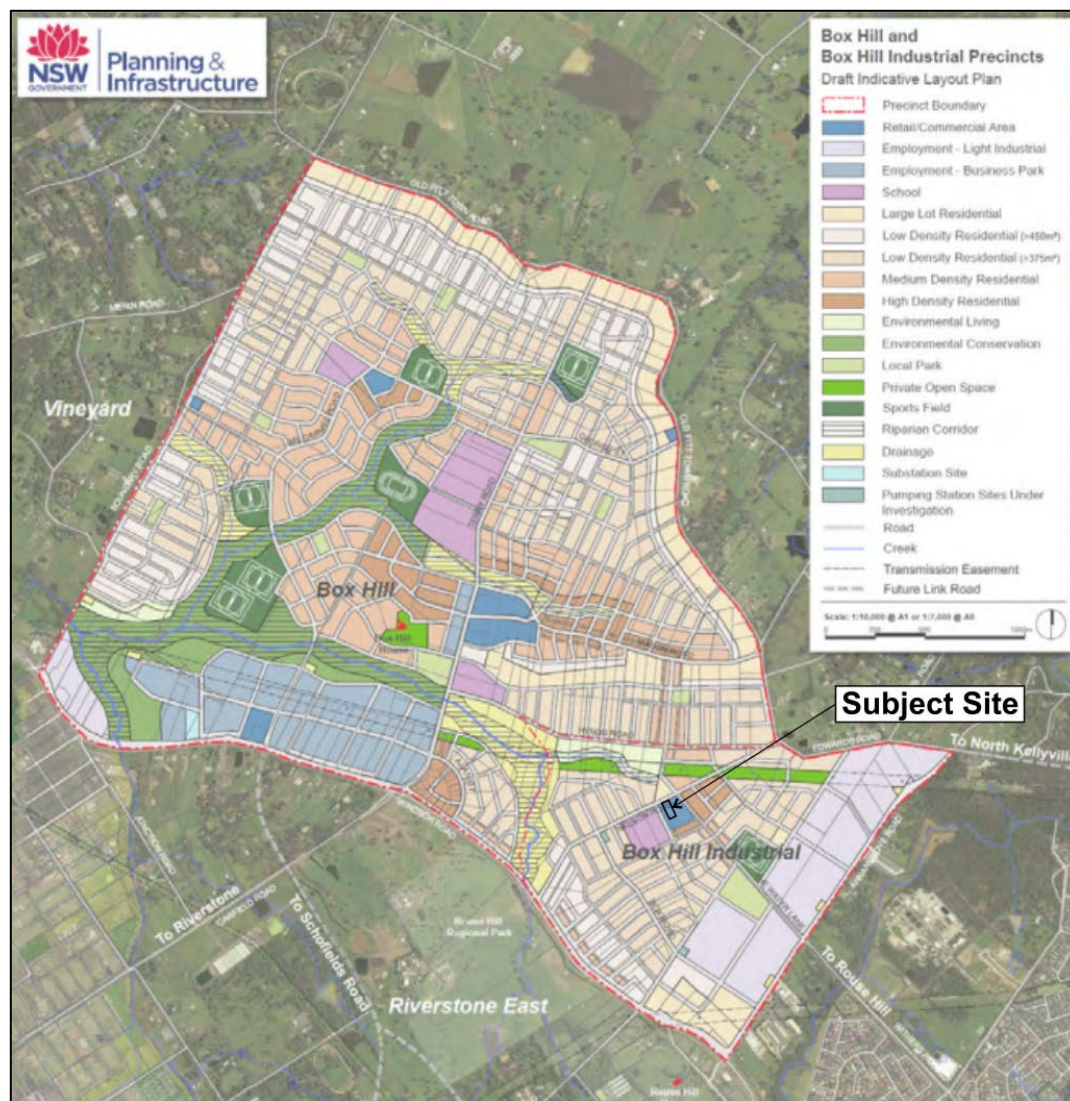


Figure 1
Box Hill Precinct Indicative Layout Plan

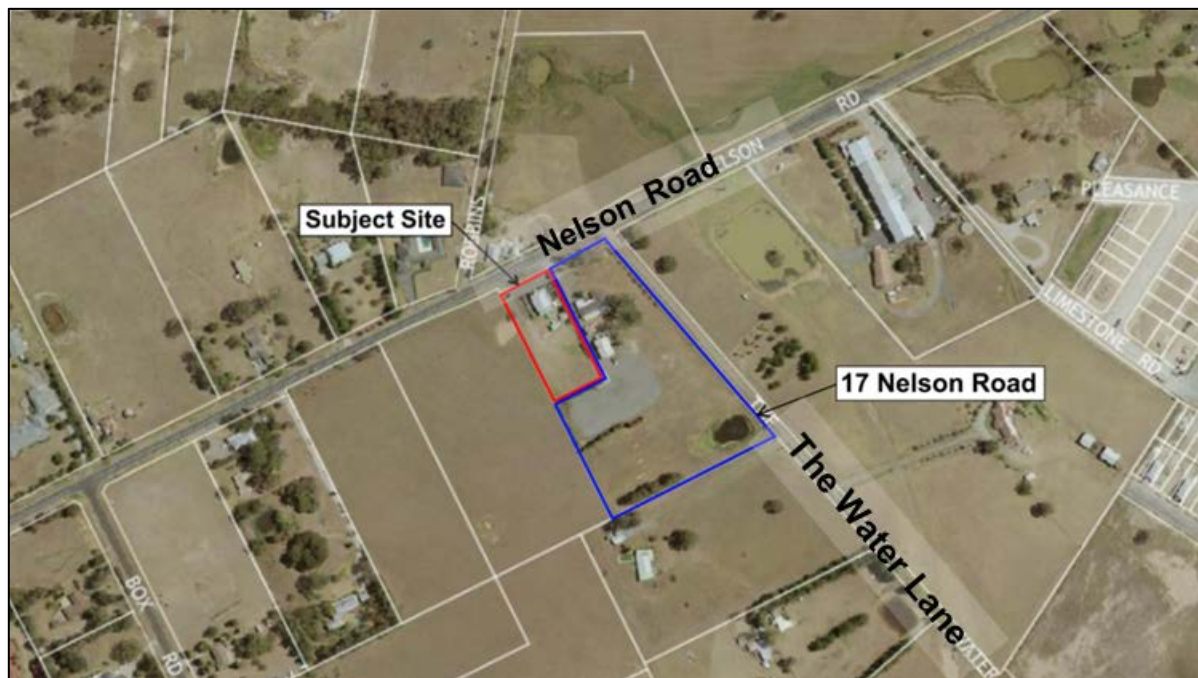


Figure 2
Aerial of Subject Site (red) and 17 Nelson Road (blue)

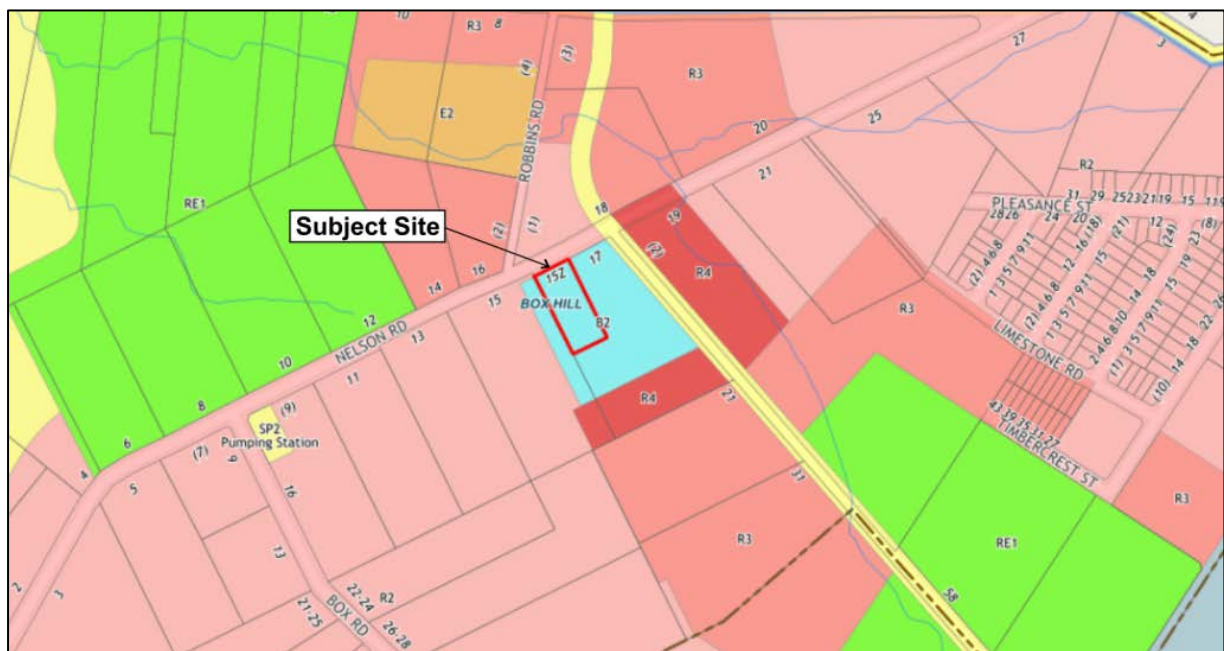


Figure 3
Zoning of Subject Site

The site currently contains a small community hall with outbuilding and at-grade car parking which is utilised by the Nelson Progress Association. Reclassification to operational land would facilitate the potential sale of the land as a mixed use development lot.



Figure 4
Existing Community Centre

Council received a letter on 2 August 2016 from Nelson Road Village Investments Pty Ltd (NRVI) expressing an interest in purchasing the Council owned property. NRVI Pty Ltd is the owner of the adjacent property at 17 Nelson Road, Box Hill and at the time were preparing a Development Application for the Nelson Road Village Centre. NRVI chose not to pursue the purchase of 15Z Nelson Road at that time and instead progressed with an alternate development concept which excludes the community centre land (see Figure 5).



Figure 5
15Z Nelson Road and Approved Upper Ground Floor Plan for 17 Nelson Road, Box Hill

NRVI Pty Ltd has now commenced the preparation of a new Development Application and has re-commenced discussions with Council officers with a view to purchasing 15Z Nelson Road, Box Hill and incorporating the land into the Nelson Road Village development. In order to proceed with any sale of the land Council must first reclassify the land from 'community' to 'operational', by way of a planning proposal.

REPORT

The purpose of this report is to propose that Council initiate a planning proposal to reclassify land at 15Z Nelson Road, Box Hill from 'community' to 'operational', with a view to enabling the potential sale of this land to Nelson Road Village Investments Pty Ltd (subject to separate negotiations). The planning proposal would amend Schedule 4 of LEP 2012 to identify the site as being reclassified as 'operational' land.

MATTERS FOR CONSIDERATION

The following matters are relevant to the consideration of whether or not to initiate a planning proposal to reclassify the land:

- a) Promotion of orderly development outcomes within Nelson Road Village Centre
- b) Provision of community facilities within the Box Hill Precinct
- c) Re-classification process

a) Promotion of orderly development outcomes;

NRVI Pty Ltd currently has development consent for a mixed use development within the Nelson Road Village Centre comprising a supermarket, retail space, shop top housing and a child care centre (see Figure 5 above). The layout of the approved development is largely consistent with the Indicative Layout Plan for the Village Centre within the Box Hill Development Control Plan (see Figure 6), which is predicated on the retention of Council's existing community centre.

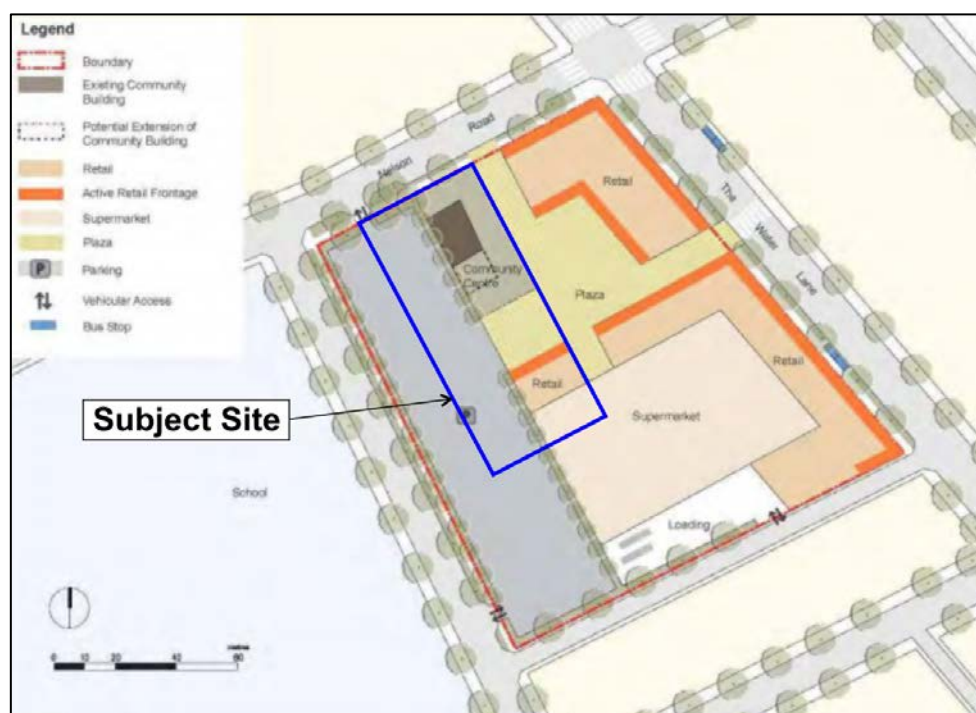


Figure 6
Nelson Road Village Indicative Layout Plan

In comparison to the Indicative Layout Plan and currently approved (but not yet constructed) development outcome, the amalgamation of 15Z Nelson Road with the adjoining land would enable the development of the Village Centre as one consolidated development site. This would promote more orderly and consistent development outcomes including the potential for improved site planning, access and maintenance efficiencies, cohesive built form and design, improved contribution to the public realm, superior plaza spaces and clearer delineation of future management and maintenance responsibilities.

b) Provision of community facilities within the Box Hill Precinct;

The existing Box Hill Nelson Community Centre offers 130m² of function space with a maximum seating capacity of 100 persons. While the existing centre has historically been suitable to service the *then* rural areas of Box Hill and Nelson, the rezoning of the Box Hill Precinct for urban development by the NSW Government in 2006 has created the need for new community facilities, with greater capacity and functionality than the existing building. In particular, the NSW Government's Precinct Planning for the Box Hill Precinct identifies the need for a new community facility to service in excess of 10,000 additional dwellings anticipated within the Precinct.

Unfortunately, Council has been unable to secure funding for the delivery of such a facility through Contributions Plan No. 15 – Box Hill Precinct as community facility costs have been deleted from the plan by IPART and the Department of Planning and Environment, on the basis that community facilities are “non-essential works”. Accordingly, despite the identified need for a new community facility to service the Box Hill Precinct, Council is unable to rely on the existing contributions framework to fund such a facility.

The sale of 15Z Nelson Road has the potential to generate substantial funds which could be applied to the delivery of a new and significantly larger community facility to service the Box Hill Precinct. In particular, there is opportunity for such a facility to be located within the future Bligh Reserve sporting complex, which is in close proximity to the site of the existing community centre (see below). While detailed designs are yet to be prepared for this future sporting complex, preliminary concepts indicate that there is adequate space and flexibility to co-locate a community centre in this location with an area of approximately 1,200m².



Figure 7
Location of Council owned land

c) Re-classification process

All public land is classified as either 'community' or 'operational', which sets the rights and responsibilities of Council in dealing with that land and provides for transparency in Council's strategic asset management. 'Community' land is not to be sold, exchanged or otherwise disposed of and therefore reclassification of the subject property is required should Council resolve to sell the property (subject to separate negotiations).

The re-classification of Council land must be undertaken in accordance with the Local Government Act 1993, Environmental Planning and Assessment Act 1979 and Practice Note PN09-003 issued by the Department of Planning and Environment (June 2009).

The mechanism to re-classify land is by way of a planning proposal to amend Schedule 4 of LEP 2012, to identify the land as reclassified to 'operational' land. An independently facilitated public hearing is required to be held as part of the community consultation process for any planning proposal seeking to re-classify land from 'community' to 'operational'.

As part of the planning proposal, Council will be required to address the following considerations:

- The reasons why the planning proposal is being prepared including the planning merits of the proposal (in particular the intention of Council to dispose of the land);
- The reasons for the reclassification including how this relates to Council's strategic framework, the proposed future use of the land, proposed zones, any site specific requirements, anticipated physical or operational changes resulting from the reclassification;
- The nature of Council's interest in the land, e.g. ownership or lease; and
- An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise.

The above considerations can be satisfactorily addressed and will form part of a written statement which will be included within the Planning Proposal. In accordance with the Department of Planning's timeframes it is anticipated that this proposal would be completed within 12 months.

IMPACTS**Financial**

Should Council resolve to initiate a planning proposal, it will be required to engage an independent facilitator to conduct a public hearing as part of the community consultation process.

Subject to the outcomes of a planning proposal and separate negotiations with NRVI, the sale of the Box Hill Nelson Community Centre has potential to generate funds that Council could apply towards the provision of a new community facility co-located within the future Bligh Reserve Sporting Complex on Nelson Road.

Strategic Plan - Hills Future

The proposed changes will help achieve the Hills Future Vision of managing Council's assets effectively to achieve higher levels of service for the community.

RECOMMENDATION

A planning proposal to amend Schedule 4 of LEP 2012 to reclassify 15Z Nelson Road, Box Hill from 'community' to 'operational' land in accordance with the Local Government Act 1993 be forwarded to the Department of Planning and Environment for a Gateway Determination.

ATTACHMENTS

Nil.

61 RESOLUTION

1. Council endorse the Parking Management Strategy prepared by Sydney Metro for the Sydney Metro Northwest project.
2. Council approve the installation of on-street parking restrictions around each of the wider station precincts as detailed in Attachment 3 to the report.
3. The General Manager investigate the options available to enhance commuter use of our local roads by our residents within the precincts with a report back to Council six (6) months after the opening of Sydney Metro.

(Councillor Tracey requested his name be recorded as opposing the Resolution of Council in this matter)

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A MOTION WAS MOVED BY COUNCILLOR DR GANGEMI AND SECONDED BY COUNCILLOR COLLINS OAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

62 RESOLUTION

A planning proposal to amend Schedule 4 of LEP 2012 to reclassify 15Z Nelson Road, Box Hill from 'community' to 'operational' land in accordance with the Local Government Act 1993 be forwarded to the Department of Planning and Environment for a Gateway Determination.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Mayor Dr M R Byrne
Clr A N Haselden
Clr Dr P J Gangemi
Clr B L Collins OAM
Clr R Jethi
Clr M G Thomas
Clr E M Russo
Clr S P Uno
Clr F P De Masi
Clr A J Hay OAM
Clr R M Tracey
Clr J Jackson

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr R A Preston