

## PLANNING PROPOSAL

**LOCAL GOVERNMENT AREA:** The Hills Shire Council

**NAME OF PLANNING PROPOSAL:** Proposed amendments to Schedule 4 of Appendix 11 The Hills Growth Centres Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as it applies to land at 15Z Nelson Road, Box Hill (Lot 1 DP 136174) to reclassify Council-owned land from 'community' to 'operational'.

**ADDRESS OF LAND:** 15Z Nelson Road, Box Hill (Lot 1 DP 136174).

### SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	n/a	n/a	n/a
Jobs	n/a	n/a	n/a

### SUPPORTING MATERIAL:

<b>Attachment A</b>	Assessment against State Environment Planning Policies
<b>Attachment B</b>	Assessment against Section 9.1 Local Planning Directions
<b>Attachment C</b>	Council Report and Minute, 12 March 2019
<b>Attachment D</b>	Local Planning Panel Report and Minute, 17 April 2019
<b>Attachment E</b>	Title Search on 15Z Nelson Road, Box Hill
<b>Attachment F</b>	Information checklist for proposals to classify or reclassify public land through an LEP

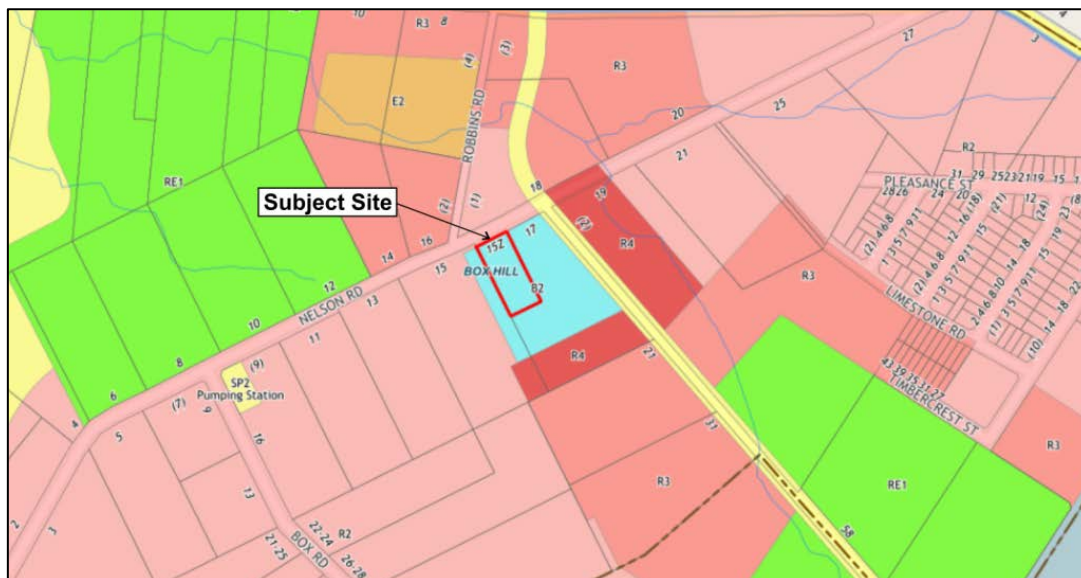
### BACKGROUND AND SITE:

The proposal relates to the Box Hill Nelson Community Centre located at 15Z Nelson Road, Box Hill. The land has an area of 3,724m<sup>2</sup>, 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 originally resolved to classify the land as 'community' land in December 2008. On 12 March 2019, Council resolved to initiate a planning proposal to reclassify the land as 'operational'.



Figure 1

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



**Figure 2**  
Zoning of subject site

The site currently contains a small community hall with outbuilding and at-grade car parking which is currently 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 3**  
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 was 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 (Figure 4).

NRVI Pty Ltd has now commenced the preparation of a new Development Application and has recommenced discussions with Council officers with a view to purchasing 15Z Nelson Road, Box Hill and incorporating the land into the Nelson Road Village development.

The planning proposal was considered by the Local Planning Panel on 17 April 2019, who advised that the planning proposal should proceed to Gateway Determination on the grounds that:

*The planning proposal was consistent with the relevant strategic policies relating to the site and would facilitate a superior development outcome within the Nelson Road Village Centre.*

A copy of the Local Planning Panel Report and Minutes (17 April 2019) is Attachment D of this report.

The information checklist within Practice Note 16-001 under Attachment 1 for proposals to classify or reclassify public land through an LEP is Attachment F of this report.

## PART 1 OBJECTIVES OR INTENDED OUTCOME

The proposal seeks 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 the developer of the adjoining Nelson Road Village Centre, NRVI Pty Ltd (subject to separate negotiations)(Figure 4). 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.

## PART 2 EXPLANATION OF THE PROVISIONS

To achieve this outcome, the proposal would amend Schedule 4 of Appendix 11 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to identify the site as being reclassified as 'operational' land. Figures 4 and 5 show the proposed development adjoining the site to the east on 17 Nelson Road and the relationship to the Indicative Layout Plan for the future Nelson Road Village.



Figure 4

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





**Figure 5**

Nelson Road Village Indicative Layout Plan (Box Hill Growth Centre Precincts – Development Control Plan 2018)

There are no relevant interests required to be discharged or that may attract any claim for compensation.

## **SECTION A - NEED FOR THE PLANNING PROPOSAL**

### *1. Is the planning proposal a result of any strategic study or report?*

The planning proposal is Council initiated and is in response to an opportunity presented by the landowner/developers of the adjoining property on 17 Nelson Road, Box Hill. The proposed amendment to Schedule 4 of Appendix 11 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to facilitate the sale of the subject site and subsequently enable the orderly development of the Nelson Road Village is consistent with state and regional strategic studies and reports.

### *2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes, the planning proposal is considered to be the best way to achieve the intended outcomes for the site as specified in Section 1 of this report.

The proposed reclassification would promote orderly development outcomes for the Nelson Road Village. It would also assist with the provision of a new community centre to service the anticipated future population of Box Hill.

## **SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

### *3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes, a discussion of consistency is provided below.

- **Greater Sydney Region Plan**

The relevant objectives of the Greater Sydney Region Plan are Objectives 1, 2, 3 and 4.

The Plan promotes the delivery of services and infrastructure that supports and aligns with forecasted housing growth (Objective 1 and 2), including community service facilities that meet the future needs and

demand for use (Objective 3). Additionally, the better utilisation of existing infrastructure assets is necessary to avoid the need to fund additional infrastructure (Objective 4).

The planning proposal would satisfy the intentions of these objectives as it seeks to enable an improved outcome with respect to the delivery of services and infrastructure for the anticipated growth within the Box Hill Precinct. In particular, as the existing community facility is aging and insufficient in catering for the needs of the future population, it is responsible for Council to consider the opportunity to dispose of this asset in order to fund a new and superior facility at a nearby location which would be better equipped to serve the existing and future community. The proposal represents prudent management of Council's assets, for the benefit of the existing and future community.

- **Central City District Plan**

The Plan encourages infrastructure growth across the District to align with the forecast growth such as that anticipated within the Box Hill Precinct. Planning and investment in infrastructure is essential to enhancing the liveability of existing and new communities with improved access to parks, sporting fields, schools and community facilities.

The sale of the subject lot would enable funding for the construction of new and improved community facilities on Council owned land in close proximity to the site. The potential new community facility would better meet the needs of existing and future residents in the Box Hill Precinct. In addition, the proposal would also promote superior development outcomes within the Nelson Road Village Centre, enabling better utilisation of this land for commercial and retail development to service the future population.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes, a discussion of consistency with the relevant policies and plans are provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that provides a strategic vision of the where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal will assist in realisation of The Hills Future outcome of well-planned and liveable neighbourhoods that meet the growth of targets and maintain amenity. The proposal contributes to the liveability of the Box Hill precinct by facilitating the sale of the subject site to provide a new community centre and superior development outcome within the Village Centre site.

- **The Hills Local Strategy**

The Local Strategy is the principal document for communicating the future planning of the Shire and includes long term objectives on seven key areas of direction. The relevant Directions are the Centres Direction and the Environment and Leisure Direction.

The Centres Direction 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 Direction also aims to encourage a range of transport options to support the vital role and connectivity of centres. It is noted that the Box Hill Town Centre and smaller village centres (such as the Nelson Road Village Centre) were not envisaged as part of the Local Strategy which was formulated in 2008.

Notwithstanding this, the proposal is consistent with the intent of the Direction as the reclassification and potential sale of the site would promote an orderly outcome on the Village Centre site by allowing for a more holistic and coordinated development outcome. This would ultimately facilitate a superior outcome with respect to the character of the future Nelson Road Village.

The Environment and Leisure Direction provides a vision of Council's desired approach for the planning, protection and management of the Shire's environment and leisure spaces. The Direction aims to ensure

that high quality spaces are provided for community recreation and enjoyment. Additionally, the Direction aims to provide public domain spaces that encourage community interaction.

Direction 4 of the Environment and Leisure Direction encourages improvements to make the public domain attractive and for the promotion of community interaction. The existing site contains a community centre that serves the existing population but does not have the capacity to cater for the forecasted population within the Box Hill Release Area. The proposal and potential sale of the land will assist in the delivery of a new community centre on nearby land, which will facilitate and enhance community interaction. Further, the proposal will enable inclusion of the current site into an amalgamated and holistic development outcome for the Nelson Road Village Centre, likely to facilitate improved public domain and character outcomes.

*5. Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The planning proposal is consistent with the relevant State Environmental Planning Policies (SEPPs) as outlined in Attachment A, and discussed below:

- **SEPP 1 – Development Standards**

The Planning Proposal will not contain provisions that would contradict or hinder the application of the SEPP.

- **SEPP (Sydney Region Growth Centres)**

The Planning Proposal seeks to amend Schedule 4 of Appendix 11 of The Hills Growth Centres Precinct Plan of the SEPP to facilitate the reclassification of 'community' land to 'operational' land. The proposal will enable a more orderly development outcome for the site and adjoining Town Centre development on 17 Nelson Road, Box Hill with subsequent relocation of community facilities. Therefore, the proposal will not contain outcomes or provisions that would challenge or obstruct the application and objectives of the SEPP.

*6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

Yes. The consistency of the planning proposal with the s.9.1 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 Business and Industrial Zones**

This Direction seeks to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres. A planning proposal must retain the areas and locations of existing business zones and not reduce the total potential floor space area for employment uses and related public services in business zones.

The planning proposal would not decrease the potential for commercial and retail floor space. Rather, relocation of the community centre from B2 Local Centre zoned land onto nearby RE1 Public Recreation zoned land would increase the capacity of the B2 zoned area to support the intended commercial and retail uses. The planning proposal and potential sale of the land would also promote an orderly outcome on the Village Centre site by allowing for a more holistic and coordinated development outcome.

- **Ministerial Direction 6.2 – Reserving Land for a Public Purpose**

The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The subject land is zoned B2 Local Centre which enables a range of retail, business, entertainment and community uses that serve the needs of people who currently and will live in, work in and visit the surrounding area. The reclassification would not impact on, create, alter or reduce the zoning of land for a public purpose and as such, the proposal is consistent with this Direction.

The existing facility has limited potential to service the anticipated future population of the Box Hill Precinct. Accordingly, the disposal of this asset in order to contribute to the funding of a new and improved community facility within nearby open space (zoned RE1 Public Recreation) represents the prudent management of Council's assets and efficient use of land already zoned for a public purpose.

- **Ministerial Direction 7.4 – Implementation of North West Growth Area Land Use and Infrastructure Implementation Plan**

The objectives of this Direction are 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 (the Strategy). A key objective within 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 Sydney's northwest.

The planning proposal is consistent with the Strategy as it would contribute to Council's ability to deliver appropriate community infrastructure to service the future residential population in Box Hill. Having regard to the anticipated residential population as identified within the Strategy, the existing community centre would be insufficient and the proposal would facilitate a more suitable community infrastructure outcome, tailored to servicing the needs of the existing and future population. Consequently, the proposal is consistent with the objectives of this Direction.

## **SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

### *7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

Vegetation Protection Mapping within SEPP (Sydney Region Growth Centres) 2006 as it relates to Box Hill has identified areas within the Box Hill Precinct that are designated Native Vegetation Protection zones, of which the subject site is not. Additionally, the Biodiversity Certification Order for SEPP (Sydney Region Growth Centres) 2006 the entirety of the Box Hill Precinct and the subject site as a biodiversity certified area. Furthermore, the site has been historically used for community centre purposes, with the subsequent relocation of the community centre to nearby Council owned land. Therefore, it is unlikely that there would be any impact on any relevant species or ecological habitats.

### *8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

While sections of Box Hill have been identified as Bushfire and Flood prone within close proximity, the subject site is not mapped as affected. Further, the site is similarly not identified as being within landslide, biodiversity or native vegetation protection sensitive areas.

### *9. How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal seeks to facilitate the reclassification of the Council owned land to enable the sale of the site to promote a more orderly development with the adjoining 17 Nelson Road, Box Hill. It is noted that the existing community centre is appropriate for the population as it currently stands, but would be insufficient in catering for the anticipated future population for Box Hill, as a result of the rezoning of the Precinct in 2013.

In light of the above, the proposal aims to facilitate two intended development outcomes – first, the more orderly development outcome on the mixed use town centre site, and the allocation of the funds from the sale of the lot to the redevelopment of a new community centre. The proposal result in a positive social and economic outcome, as noted below.

The social and economic implications with respect to the sale of the site would facilitate the development of a larger Town Centre to be constructed – thereby providing the opportunity for additional and larger spaces for social interaction and recreation (child care spaces, cafes and restaurants, retail spaces). Additionally, a new and better equipped community centre would provide spaces for the community to engage in community events and provide spaces for learning.

Therefore, the intended outcomes resulting from the proposal would not result in any undesirable effects and would promote a more appropriate built form outcome that would deliver positive social and economic effects.

## **SECTION D - STATE AND COMMONWEALTH INTERESTS**

### *10. Is there adequate public infrastructure for the planning proposal?*

With respect to existing public infrastructure, there are adequate connections to services and public infrastructure for water, electricity and the disposal and management of sewerage that have been addressed under development applications for the adjoining 17 Nelson Road site. Therefore, there will be no notable impact on infrastructure demand for the subject site as the proposal facilitates a higher infrastructure delivery for Box Hill through the provisioning of an improved and superior community centre.

Given the above, the intended outcomes would not warrant additional public infrastructure to be implemented as a result of this proposal.

11. *What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

Any Gateway Determination issued will specify relevant agencies to be consulted, which may include:

- Transport for NSW.

## PART 5 COMMUNITY CONSULTATION

It is considered appropriate that any Gateway Determination issued require public exhibition of the Planning Proposal for a minimum of 28 days, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. Additionally, a public hearing is also required as part of the consultation process.

## PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	June 2019
Government agency consultation	July 2019
Commencement of public exhibition period (28 days)	July 2019
Completion of public exhibition period	August 2019
Public Hearing	September 2019
Timeframe for consideration of submissions	October 2019
Timeframe for consideration of proposal post exhibition	October 2019
Report to Council on submissions	November 2019
Planning Proposal to PCO for opinion	December 2019
Date Council will make the plan (delegated)	January 2020
Date Council will forward to department for notification (delegated)	January 2020



**ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES**

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	YES	NO	-
No. 19	Bushland in Urban Areas	NO	-	-
No. 21	Caravan Parks	NO	-	-
No. 33	Hazardous and Offensive Development	NO	-	-
No. 36	Manufactured Home Estates	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	NO	-	-
No. 55	Remediation of Land	NO	-	-
No. 64	Advertising and Signage	NO	-	-
No. 65	Design Quality of Residential Flat Development	NO	-	-
No. 70	Affordable Housing (Revised Schemes)	NO	-	-
Aboriginal Land (2019)		NO	-	-
Affordable Rental Housing (2009)		NO	-	-
Building Sustainability Index: BASIX 2004		NO	-	-
Coastal Management (2018)		NO	-	-
Concurrences (2018)		NO	-	-
Education Establishments and Child Care Facilities (2017)		NO	-	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Gosford City Centre (2018)		NO	-	-
Housing for Seniors or People with a Disability (2004)		NO	-	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Mining, Petroleum Production and Extractive Industries (2007)		NO	-	-
Miscellaneous Consent Provisions (2007)		NO	-	-
Penrith Lakes Scheme (1989)		NO	-	-
Primary Production and Rural Development (2019)		NO	-	-
State and Regional Development (2011)		YES	NO	-
State Significant Precincts (2005)		YES	NO	-
Sydney Drinking Water Catchment (2011)		NO	-	-
Sydney Region Growth Centres (2006)		YES	YES	CONSISTENT
Three Ports (2013)		NO	-	-
Urban Renewal (2010)		NO	-	-
Vegetation in Non-Rural Areas (2017)		YES	NO	-
Western Sydney Employment Area (2009)		NO	-	-
Western Sydney Parklands (2009)		NO	-	-
<b>Deemed SEPPs</b>				
SREP No. 8 (Central Coast Plateau Areas)		NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)		NO	-	-
SREP No. 16 – Walsh Bay		NO	-	-
SREP No. 20 – Hawkesbury – Nepean River		NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
(No 2 – 1997)			
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

**ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS**

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<b>1. Employment and Resources</b>				
1.1	Business and Industrial Zones	YES	NO	-
1.2	Rural Zones	YES	NO	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
<b>2. Environment and Heritage</b>				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	NO	-	-
2.4	Recreation Vehicle Area	YES	NO	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1	Residential Zones	NO	-	-
3.2	Caravan Parks and Manufactured Home Estates	NO	-	-
3.3	Home Occupations	NO	-	-
3.4	Integrating Land Use and Transport	YES	NO	-
3.5	Development Near Licensed Aerodomes	NO	-	-
3.6	Shooting Ranges	NO	-	-
3.7	Reduction in non-hosted short term rental accommodation period	NO	-	-
<b>4. Hazard and Risk</b>				
4.1	Acid Sulfate Soils	YES	NO	-
4.2	Mine Subsidence and Unstable Land	YES	NO	-
4.3	Flood Prone Land	YES	NO	-
4.4	Planning for Bushfire Protection	YES	YES	CONSISTENT
<b>5. Regional Planning</b>				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	NO	-	-
5.10	Implementation of Regional Plans	YES	YES	CONSISTENT
5.11	Development of Aboriginal Land Council land	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<b>6. Local Plan Making</b>				
6.1	Approval and Referral Requirements	YES	NO	-
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	CONSISTENT
<b>7. Metropolitan Planning</b>				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	YES	CONSISTENT
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.9	Implementation of Bayside West Precincts 2036 Plan	NO	-	-
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	NO	-	-