

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed State Environmental Policy (Precincts – Central River City) 2021 (Amendment No #) – reclassification of residential land from “community” land to “operational” land at 28 Hynds Road, Box Hill.

STATUS: Pre-Gateway

ADDRESS OF LAND: Part of 28 Hynds Road, Box Hill (Lot 2 DP 621465)

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	ADDITIONAL
DWELLINGS	n/a	n/a	n/a
JOBs	n/a	n/a	n/a

* The proposal will not directly result in the delivery of additional dwellings. However, if following reclassification the land is subdivided and sold to an adjoining landowner, it would be incorporated into the adjoining residential subdivision.

SUPPORTING MATERIAL:

- Attachment A** Assessment against State Environment Planning Policies
Attachment B Assessment against Section 9.1 Local Planning Directions
Attachment C Council Report and Minute (26 October 2022)
Attachment D Title Search on Lot 2 DP 621465
Attachment E Information checklist for proposals to reclassify public land through a SEPP

BACKGROUND:

The subject property is known as Lot 2 DP 621465, 28 Hynds Road, Box Hill. It has a total area of 20,230m² and forms part of a large future drainage reserve on Hynds Road. The immediate site context is depicted in the figure below.

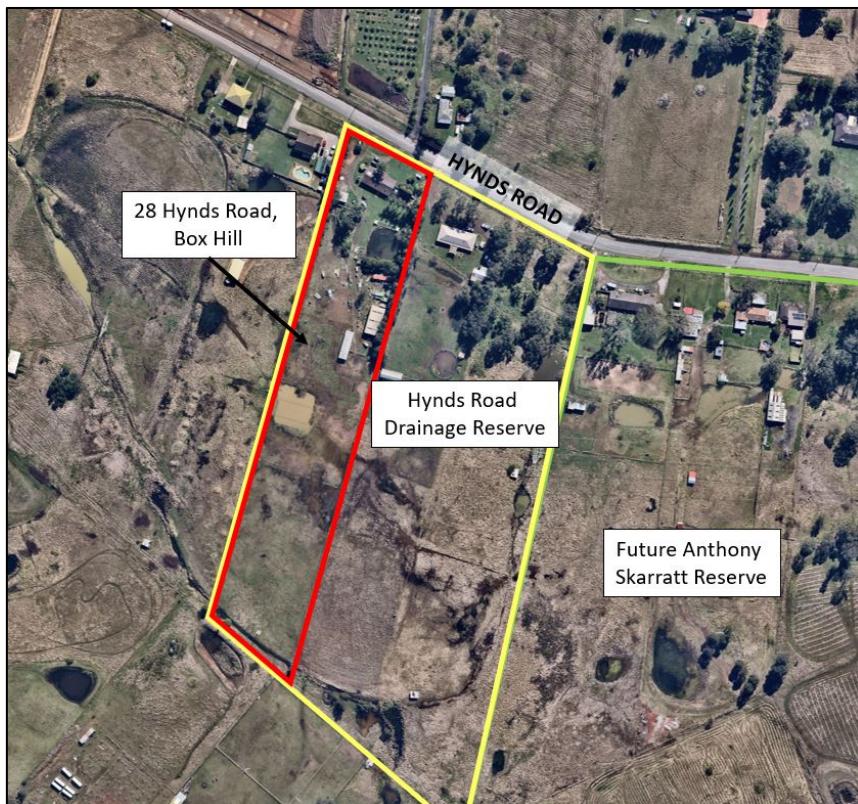


Figure 1
Aerial of Subject Site and surrounding locality

The majority of the lot is zoned SP2 Local Drainage, for acquisition by Council for future drainage infrastructure. However, a small portion of the site ($487m^2$) is zoned R3 Medium Density Residential (outlined in blue in Figure 2 below)

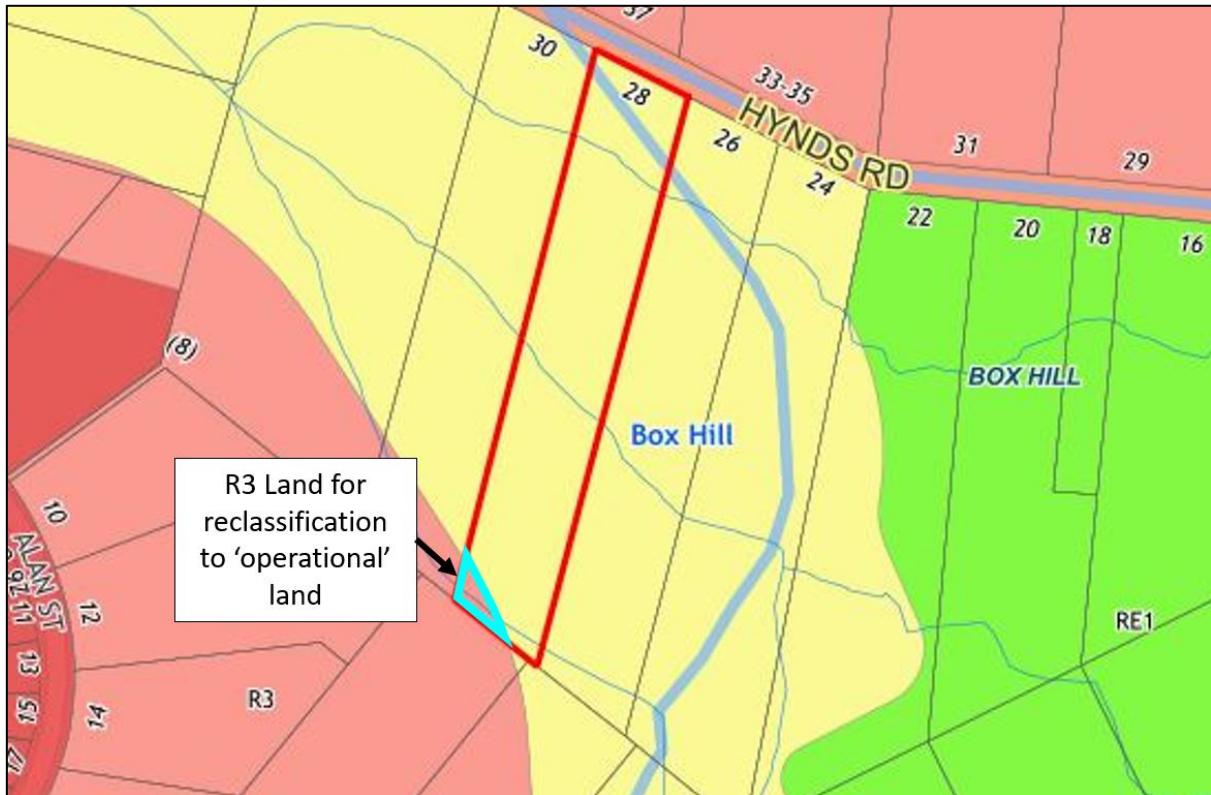


Figure 2
Subject site (red) zoning and portion of land to be reclassified (blue)

At the time of purchasing the site, the entire lot was classified as 'community land' under the Local Government Act 1993. Classification as community land required the lot be reserved for a public purpose which is to be specified in a Council Plan of Management. The lot forms part of the Hynds Road Drainage Reserve under Council's Parkland Management Plan, although this was not the intended development outcome for this portion of land.

The land which is proposed to be reclassified comprises the portion of the site zoned R3 Medium Density Residential (outlined in blue in Figure 2). The Indicative Layout Plan within the Box Hill Growth Centres Precinct DCP envisages a new road link over the R3 land.

The reclassification and potential sale of the land to the adjacent development would allow for the construction of a planned local road link, as envisaged under the planning framework for the Box Hill Precinct. The reclassification will not have any adverse impact on the environment or adjoining land. The planning proposal is considered to be in the public interest, promoting orderly development outcomes for the adjoining properties and assisting in the completion of the road network for the wider Box Hill neighbourhood.

Under the Ministerial Local Planning Panels Direction – Planning Proposal (2018), planning proposals are required to be referred to the Local Planning Panel (LPP) for advice, unless the General Manager determines that the planning proposal relates to:

- The correction of an obvious error in a local environmental plan,
- Matters that are of a consequential, transitional, machinery or other minor nature, or
- Matters that council's general manager considers will not have any adverse impact on the environment or adjoining land.

The subject planning proposal meets the above criteria and therefore would not be required to be forwarded to the LPP for advice prior to submitting the application for Gateway Determination. Specifically, the planning proposal would:

- a) Correct an error, whereby the portion of 28 Hynds Road, Box Hill which is zoned R3 Medium Density Residential was classified as 'community land' in error at the time of purchase by Council;
- b) Be minor in nature, as it relates to a small portion of land and seeks to ensure the outcomes articulated under the current planning framework, being the construction of a local road, can be delivered; and
- c) Will not have any adverse impact on the environment or adjoining land. Rather, it would facilitate a benefit to the adjoining land with respect to resolving orderly development issues and would provide a broader benefit to the Box Hill Precinct through the establishment of the new local road network. The construction of this road and subdivision of the adjacent properties would be subject to a separate development assessment process.

The matter was reported to Council on the 26 October 2022 where it resolved:

'A planning proposal be forwarded to the Department of Planning and Environment for Gateway Determination to amend State Environmental Planning Policy (Precincts – Central River City) 2021, to reclassify a portion of 28 Hynds Road, Box Hill (Lot 2 DP 621465) from 'community' to 'operational', in accordance with the Local Government Act 1993.'

The information checklist within Practise Note 16-001 for proposals to classify or reclassify public land through an LEP is included as Attachment E to this planning proposal.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to promote orderly development outcomes by enabling the consolidation of 487m² of surplus Council-owned land into the adjoining residential subdivision and the construction of an important local road link by the adjoining developer.

PART 2 EXPLANATION OF THE PROVISIONS

Reclassification of land would typically occur by way of listing the subject lot and DP under Schedule 4 – Classification and Reclassification of Public Land within Appendix 10 of the SEPP (Precincts – Central River City) 2021. However, as the subject proposal would only seek to reclassify a portion of the subject lot, this mechanism alone is not appropriate. Accordingly, a new map is proposed to identify the land which is proposed to be reclassified (referred to as the 'Land Reclassification (Part Lots) Map').

A draft of Schedule 4 is provided below. A draft Land Reclassification (Part Lots) Map is provided within Part 4 of this planning proposal.

Schedule 4 Classification and reclassification of public land

Part 1 Land classified, or reclassified, as operational land-no interests changed

Column 1 Locality	Column 2 Description
28 Hynds Road, Box Hill	Part of Lot 2 DP 621465, as shown edged heavy red on the Land Reclassification (Part Lots) Map

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the subject land has not been identified for community use in any strategic plan and its current classification prevents its intended land use outcome from being achieved. As the subject land was never intended for community use its classification as "community" land is an anomaly which requires correction.

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

Yes, the current classification of the subject land prevents the achievement of the development and precinct planning outcomes envisaged under the Central River City Precincts SEPP and Box Hill DCP. A planning proposal to reclassify the site is the only available mechanism to rectify the issue, as the current classification prevents the land from being used for the proposed road or residential development, as envisaged under the precinct planning and relevant planning instruments.

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 and Central City District Plan

The relevant objectives and priorities from the Greater Sydney Region Plan and Central City District Plan are as follows:

- Objective 2 – Infrastructure aligns with forecast growth – growth infrastructure compact;
- Objective 3 – Infrastructure adapts to meet future needs;
- Objective 10 – Greater housing supply;
- Priority N1 – Planning for a city supported by infrastructure; and
- Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport.

The Greater Sydney Region Plan seeks to better align infrastructure provision with residential growth. This will be achieved through the planning proposal as reclassification will facilitate the construction of a new road link to occur in-line with the development of adjoining land. The proposal will enable the subject land to be consolidated with adjoining residential land and facilitate the delivery of the planned road, unlocking redevelopment of residential land to the south.

The planning proposal will support the priorities of the Central City District Plan as the reclassification will encourage infrastructure provision to align with the forecasted growth within Box Hill. The reclassification will also support the ability for the subject land to contribute to increased residential growth.

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

Yes, a discussion of consistency is provided below.

- The Hills Local Strategic Planning Statement

Council's Local Strategic Planning Statement Hills Future 2036 (LSPS) outlines the Shire's 20- year vision for land use planning, population, housing, economic growth and environmental management. Supporting documents which are directly relevant to the subject site are the Housing Strategy and Integrated Transport and Land Use Strategy. The planning proposal addresses each strategy completion of the surrounding road network and the orderly redevelopment of adjoining land. The relevant Planning Priorities from the Local Strategic Planning Statement are:

- Planning Priority 6 – Plan for new housing to support Greater Sydney's growing population;
- Planning Priority 7 – Plan for new housing in the right locations; and
- Planning Priority 14 – Plan for a safe and efficient road network.

Although the LSPS does not specifically refer to the subject portion of land, it does prioritise a safe and efficient road network to alleviate congestion and support growth within the Shire (Priority 14). Facilitating the completion of the road link will reduce congestion in the wider Box Hill area.

The road link allows the planning proposal to align with Priority 6 & 7 by enhancing access to new housing in the Box Hill Growth Centre. It will assist in facilitating new medium density residential housing to support Greater Sydney's growing population.

- The Hills Future Community Strategic Plan

The Hills Future Community Strategic Direction articulates The Hills Shire communities and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. The Direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community and required actions in order to achieve these goals.

The reclassification supports the aims of Council's Community Strategic Plan including the provision of new infrastructure to meet the needs of a growing community. The proposal will help to deliver an important local road link which will enhance accessibility within the Box Hill Precinct.

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

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A. A discussion on the consistency of the proposal with relevant Policies is provided below.

- SEPP (Precincts – Central River City) 2021

The Planning Proposal seeks to amend Schedule 4 of Appendix 10 of the SEPP to facilitate the reclassification of 'community' land to 'operational' land. The proposal will enable a more orderly development outcome within the Box Hill Precinct which is in line with the following overall objectives of the SEPP:

- to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity; and
- to identify land within the Precincts that is proposed to be brought into public ownership for the purposes of roads, parks, drainage and schools.

The proposal supports the SEPP and does not contain 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. An assessment of the planning proposal against applicable Ministerial Directions is provided in Attachment B and below.

- Direction 1.6 Implementation of North West Priority 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. 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 assist Council's ability to deliver appropriate infrastructure to service the future residential population in Box Hill.

- Direction 4.1 Flooding

The objectives of this Direction are to ensure development on flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

The subject site is mapped as a flood-controlled lot and will require investigation at the development application stage. Given that the land is not required as part of Council's Plan of Management in relation to the adjoining drainage land, it is considered that the proposal will not impact on the drainage function of this land and is therefore unlikely to create any flooding impacts.

- Direction 4.3 Planning for Bushfire Protection

The objectives of this Direction are to protect life, property and the environment from bushfire hazards through sound management of bushfire prone areas.

The subject site is mapped as bushfire prone land. The SP2 portion of the land is classified Medium Risk and the R3 portion of the land is classified as a vegetation buffer. It is expected that the land will be cleared as part of a future subdivision application, which will remove or significantly reduce the bushfire risk from the site. At the point of any future development application, a bushfire consultant report will be required to assess the bushfire risk and any Asset Protection Zones will be determined at this point.

While the land is largely cleared and only sparse plantings remain, the commissioner of the NSW Rural Fire Service will be consulted following the receipt of a Gateway Determination.

- Direction 5.2 Reserving Land for Public Purposes

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 R3 zoned portion of the site has not been identified for community use in any strategic plan and its current classification prevents its intended land use outcome from being achieved. As the subject land was never expected to form part of the Hynds Road Drainage Reserve, its classification as ‘community land’ is an anomaly which should ideally be corrected.

- Direction 6.1 Residential Zones

The objective of this direction is to provide for future housing needs through the establishment of a variety of housing types which are located near existing infrastructure. The unlocking of land to enable residential development and construction of local roads complies with this direction.

Reclassification allows for the R3 portion of the land to be developed in conjunction with the neighbouring lot for the purpose of residential development.

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 (Precincts – Central River City) 2021 does not identify the subject site as either an existing native vegetation area or a native vegetation retention area. Council’s vegetation mapping does not identify any mapped vegetation communities on the portion of land proposed to be reclassified.

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

The subject site is mapped as bush fire prone land and flood-controlled lot and will require investigation at the development application stage.

The site is not mapped as being within landslide or biodiversity or native vegetation protection areas.

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

The reclassification will improve access and orderly development outcomes, facilitating the construction of a new road link envisaged in the Box Hill Growth Centres Precinct DCP. The delivery of the road will also improve connectivity throughout the wider Box Hill area.

Additionally, the proposal will allow for the reallocation of the funds from the sale of the lot to Contributions Plan No. 15 – Box Hill for expenditure on infrastructure within Box Hill. It will also transfer the requirement to construct this portion of the local road to the adjoining developer in association with development on their land.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

Future development on the site would need to be supported by the necessary services including electricity, telecommunication, gas, water, sewer and stormwater drainage. The required services will be conditioned as part of any future residential subdivision and will be required at that stage. Therefore, there will be no notable impact on infrastructure demand for the subject site as the proposal will not facilitate any population over and above what was accounted for within the Contributions Plan No. 15 – Box Hill. Consultation is envisaged with service providers to ensure services have been adequately accounted for.

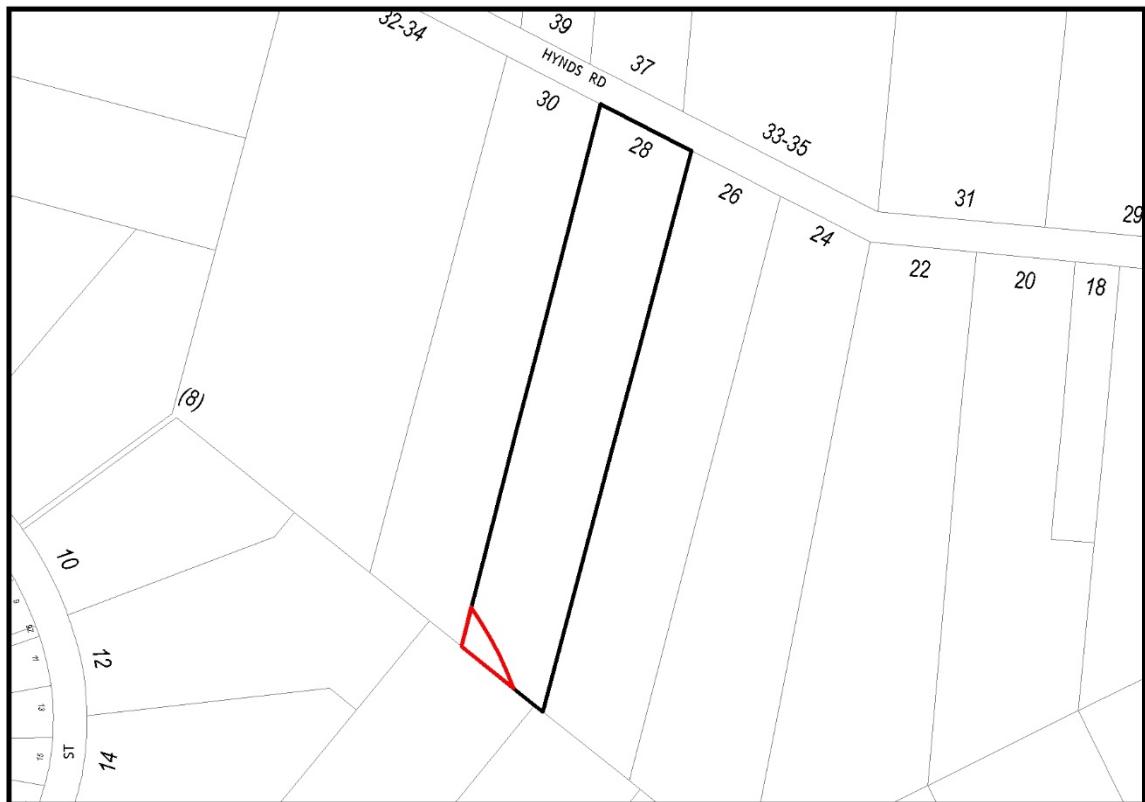
11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Consultation with public authorities will be undertaken in accordance with any Gateway Determination received for the planning proposal. It is anticipated consultation would be required with the following public authorities:

- NSW Rural Fire Service;
- Sydney Water; and
- Endeavour Energy.

PART 4 MAPPING

The planning proposal seeks to introduce a 'Land Reclassification (Part Lots) Map' into the State Environmental Planning Policy (Precincts – Central River City) 2021, to identify the subject land to be reclassified.



Land Reclassification (Part Lots) (RPL)



Operational Land

PART 5 COMMUNITY CONSULTATION

As required under the Environmental Planning and Assessment Regulation 2000, the planning proposal will be made available on Council's website from the commencement of the public exhibition period. In addition, letters will be sent to adjoining and nearby property owners and stakeholders advising of the exhibition. Following the exhibition period, an independently facilitated public hearing is required as part of the community consultation process for any planning proposal seeking to re-classify land from 'community' to 'operational'. This will be undertaken in accordance with the relevant legislative requirements.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	January 2023
Government Agency Consultation	February 2023
Commencement of Public Exhibition Period (28 days)	March 2023
Completion of Public Exhibition Period	April 2023
Independently Chaired Public Hearing	May 2023
Timeframe for Consideration of Submission & Proposal Post Exhibition	June 2023
Report to Council on Submissions	July 2023
Planning Proposal to PCO for opinion	August 2023
Date Council will make the plan (if delegated)	September 2023
Date Council will Forward to Department for Notification	October 2023

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE TO THSC	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
Biodiversity and Conservation (2021)	YES	NO	-
Building Sustainability Index: BASIX (2004)	YES	NO	-
Exempt and Complying Development Codes (2008)	YES	NO	-
Housing (2021)	YES	NO	-
Industry and Employment (2021)	YES	NO	-
No. 65 – Design Quality and Residential Apartment Development	YES	NO	-
Planning Systems (2021)	YES	NO	-
Precincts – Central River City (2021)	YES	YES	CONSISTENT
Precincts – Eastern Harbour City (2021)	NO	-	-
Precincts – Regional (2021)	NO	-	-
Precincts – Western Parkland City (2021)	NO	-	-
Primary Production (2021)	YES	NO	-
Resilience and Hazards (2021)	YES	NO	-
Resources and Energy (2021)	YES	NO	-
Transport and Infrastructure (2021)	YES	NO	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Planning Systems				
1.1	Implementation of Regional Plans	YES	NO	-
1.2	Development of Aboriginal Land Council land	NO	-	-
1.3	Approval and Referral Requirements	YES	NO	-
1.4	Site Specific Provisions	YES	YES	CONSISTENT
1. Planning Systems – Place-based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	YES	CONSISTENT
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-
1.10	Implementation of the Western Sydney Aerotropolis Plan	NO	-	-
1.11	Implementation of Bayside West Precincts 2036 Plan	NO	-	-
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	NO	-	-
1.13	Implementation of St Leonards and Crow Nest 2036 Plan	NO	-	-
1.14	Implementation of Greater Macarthur 2040	NO	-	-
1.15	Implementation of Pyrmont Peninsula Place Strategy	NO	-	-
1.16	North West Rail Link Corridor Strategy	YES	NO	-
1.17	Implementation of the Bays West Place Strategy	NO	-	-
1.18	Implementation of the Macquarie Park Innovation Precinct	NO	-	-
1.19	Implementation of the Westmead Place Strategy	NO	-	-
1.20	Implementation of the Camellia-Rosehill Place Strategy	NO	-	-
1.21	Implementation of South West Growth Area Structure Plan	NO	-	-
1.22	Implementation of the Cherrybrook Station Place Strategy	NO	-	-
2. Design and Place				
3. Biodiversity and Conservation				

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
3.1	Conservation Zones	YES	NO	-
3.2	Heritage Conservation	YES	NO	-
3.3	Sydney Drinking Water Catchments	NO	-	-
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	NO	-	-
3.5	Recreation Vehicle Areas	YES	NO	-
3.6	Strategic Conservation Planning	NO	-	-
3.7	Public Bushland	YES	NO	-
3.8	Willandra Lakes Region	NO	-	-
3.9	Sydney harbour Foreshores and Waterways Area	NO	-	-
3.10	Water Catchment Protection	NO	-	-

4. Resilience and Hazards

4.1	Flooding	YES	YES	CONSISTENT
4.2	Coastal Management	NO	-	-
4.3	Planning for Bushfire Protection	YES	YES	CONSISTENT
4.4	Remediation of Contaminated Land	YES	NO	-
4.5	Acid Sulfate Soils	YES	NO	-
4.6	Mine Subsidence and Unstable Land	YES	NO	-

5. Transport and Infrastructure

5.1	Integrating Land Use and Transport	YES	NO	-
5.2	Reserving Land for Public Purposes	YES	YES	CONSISTENT
5.3	Development Near Regulated Airports and Defence Airfields	YES	NO	-
5.4	Shooting Ranges	NO	-	-

6. Housing

6.1	Residential Zones	YES	YES	CONSISTENT
6.2	Caravan Parks and Manufactured Home Estates	YES	NO	-

7. Industry and Employment

7.1	Business and Industrial Zones	YES	NO	-
7.2	Reduction in non-hosted short-term rental accommodation period	NO	-	-
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-

8. Resources and Energy

8.1	Mining, Petroleum Production and Extractive Industries	YES	NO	-
-----	--	-----	----	---

9. Primary Production

9.1	Rural Zones	YES	NO	-
9.2	Rural Lands	Yes	NO	-
9.3	Oyster Aquaculture	YES	NO	-
9.4	Farmland of State and Regional	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Significance on the NSW Far North Coast			