

Planning proposal to rezone land at 8 McCabe Place, Chatswood from SP2 Infrastructure to IN2 Light Industrial

Proposal Title :	Planning proposal to rezone land at 8 McCabe Place, Chatswood from SP2 Infrastructure to IN2 Light Industrial		
Proposal Summary :	Planning proposal to rezone land at 8 McCabe Place, Chatswood from SP2 Infrastructure (Electricity Transmission and Distribution) to IN2 Light Industrial.		
PP Number :	PP_2013_WILLO_001_00	Dop File No :	13/19220

Proposal Details

Date Planning Proposal Received :	20-Nov-2013	LGA covered :	Willoughby
Region :	Sydney Region East	RPA :	Willoughby City Council
State Electorate :	WILLOUGHBY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	8 McCabe Place		
Suburb :	Chatswood	City :	Sydney
Land Parcel :	Lot 3 DP 239924	Postcode :	2067

DoP Planning Officer Contact Details

Contact Name :	Nava Sedghi
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Sandy Shewell
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	Yes

Planning proposal to rezone land at 8 McCabe Place, Chatswood from SP2 Infrastructure to IN2 Light Industrial

MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

Note:

The planning proposal prepared by Doug Sneddon Planning Pty Ltd, dated 15 August 2013, states the subject lands affected by the rezoning include 8 McCabe Place and 10 McCabe Place, Chatswood. Council's report, dated 11 November 2013, confirms the planning proposal now relates only to 8 McCabe Place, because the landowners have decided to withdraw 10 McCabe Place from the planning proposal. Any reference to 10 McCabe Place should be disregarded.

SITE

8 McCabe Place, Chatswood is approximately 1416sqm in area and comprises a two-storey industrial building purchased by Ausgrid in 2009. The site is currently zoned SP2 Infrastructure (Electricity Transmission and Distribution) and is located within East Chatswood Industrial Area. The adjacent site (10 McCabe Place, Chatswood) contains an electricity substation owned by Ausgrid, and is also zoned as SP2 Infrastructure (Electricity Transmission and Distribution). 8 McCabe Place, Chatswood has been vacant since December 2010.

Prior to Willoughby Local Environmental Plan 2012 (Willoughby LEP 2012) being finalised, 8 McCabe Place, Chatswood was zoned 4(b) Light Industrial. During exhibition of draft Willoughby LEP 2012, Ausgrid made a submission requesting the site be zoned to SP2 Infrastructure. Ausgrid has now advised that the site is surplus to its requirements.

DELEGATION OF PLAN MAKING FUNCTIONS

Willoughby Council has accepted the Minister's offer to delegate his plan-making functions under the EP&A Act. Council is seeking delegation to carry out the Minister's functions under section 59 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to progress this planning proposal. Council has provided Attachment 4 - Evaluation criteria for the delegation of plan making functions.

External Supporting Notes :

Council supports this planning proposal for the following reasons:
 - it returns the subject site to the former light industrial zoning, which is consistent with the East Chatswood Industrial Area; and
 - State Environmental Planning Policy (Infrastructure) (Infrastructure SEPP) allows works for electricity generating purposes to occur in the IN2 zone.

Planning proposal to rezone land at 8 McCabe Place, Chatswood from SP2 Infrastructure to IN2 Light Industrial

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to amend Willoughby LEP 2012 by rezoning Lot 3 DP 239924 at 8 McCabe Place, Chatswood from SP2 Infrastructure (Electricity Transmission and Distribution) to IN2 Light Industrial.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal indicates that the zoning map will need to be amended to reflect the proposed IN2 zoning.**

Council's report notes FSR maps will also need to be amended to reflect a FSR of 1:1, which is consistent with IN2 zoning within the East Chatswood industrial area. There is currently no FSR control for the site due to its SP2 zoning. The Department supports the proposed zoning and FSR map changes.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

1. Section 117 direction - 1.1 Business and Industrial Zones

This direction is applicable in that the planning proposal will affect land that is proposed to be rezoned as industrial. The Department considers the planning proposal is consistent with this direction as it will achieve the objective of this direction by encouraging employment, with an estimated 30 to 50 additional jobs. In addition, it is considered rezoning the site to light industrial will protect employment land in the East Chatswood industrial area.

2. Section 117 direction - 4.3 Flood Prone Land

This direction is applicable because a planning proposal must not rezone flood prone land from Special Purpose to Industrial. Council's report has indicated that the site falls within the Scotts Creek Flood study. The Department considers the inconsistency to be of minor significance because Council's development engineer has advised the entire

Planning proposal to rezone land at 8 McCabe Place, Chatswood from SP2 Infrastructure to IN2 Light Industrial

lot drains to McCabe Place and that there is no major obstacle for any proposal with regards to stormwater. In addition, any future development application will have to comply with the relevant flood controls within Willoughby development control plan.

3. Section 117 direction - 6.2 Reserving Land for Public Purposes

This direction is applicable in that a planning proposal must not alter an existing zone for public purposes without approval of the Director General. The planning proposal proposes to rezone land reserved for a public purpose (electricity transmission and distribution) to industrial. The Department considers the inconsistency is justified because the site is surplus to the requirements of a public authority (Ausgrid). Rezoning the site to its former industrial zone is considered the best approach in dealing with land that is no longer required by Ausgrid for acquisition. In addition, the proposed industrial zone is consistent with surrounding land uses.

The planning proposal is considered to be consistent with all other s117 directions.

4. State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)

Clause 6 of SEPP 55 states a planning authority must consider whether the subject land proposed to be rezoned is contaminated and if remediation is necessary in order for the land to be suitable for use.

A contamination report was not submitted with the planning proposal. The Department recommends a preliminary investigation report be prepared and submitted that addresses the requirements of SEPP 55 and that this report is exhibited with the planning proposal.

5. State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

Clause 34 of the Infrastructure SEPP allows development for the purpose of electricity generating works to be carried out with consent on any land in a prescribed industrial zone. Should Ausgrid decide to expand the adjacent substation onto the site in the future, the Infrastructure SEPP permits such works with consent in the IN2 Light Industrial zone. The Department considers the rezoning will not limit future use of the site for electricity purposes.

The proposal is considered to be consistent with all other applicable SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : Council will need to prepare amending maps in accordance with the Standard Technical Requirements for LEP maps. The following maps will require amending:
- land zoning map; and
- floor space ratio map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : A public exhibition period of 28 days is recommended by Council.

Project Time Line

The planning proposal contains an estimated project time line for completion by April 2014.

The Department considers a 6 month project time line for completion is adequate (July 2014).

Planning proposal to rezone land at 8 McCabe Place, Chatswood from SP2 Infrastructure to IN2 Light Industrial

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Delegation of plan making functions is considered appropriate in this instance, as the overall proposal is consistent with relevant strategic planning instruments.**

Proposal Assessment

Principal LEP:

Due Date : **January 2013**

Comments in relation to Principal LEP : **The Willoughby LEP 2012 was notified on 31 January 2013.**

Assessment Criteria

Need for planning proposal : **There is a need for the planning proposal because the site is surplus to Ausgrid's requirements as it is no longer required for electricity infrastructure purposes. The SP2 Infrastructure zoning limits the future economic use of the site. Rezoning the site to industrial is considered appropriate because that zone is consistent with the surrounding industrial land uses.**

Consistency with strategic planning framework : **Metropolitan Plan for Sydney 2036, draft Metropolitan Strategy for Sydney 2031 and draft Inner North Subregional Strategy.**

The planning proposal is consistent with the strategic planning framework for Sydney and the draft Inner North Subregional Strategy (draft Strategy). The planning proposal will contribute to the supply of industrial lands and generation of employment in the East Chatswood industrial area. The draft Strategy sets an employment target of an additional 16,000 jobs in Willoughby LGA. The planning proposal has potential to create additional 30-50 jobs. In addition, the site is accessible by public transport, being located approximately 650m from bus stops on Victoria Road, Chatswood that link to Chatswood major centre.

It is considered rezoning the site to its former light industrial zoning will further protect the supply of employment land in the subregion.

Environmental social economic impacts : **1. Environmental**

The planning proposal has not identified whether the site is contaminated. It is recommended that the gateway determination provide a condition that a preliminary contamination report be prepared for the site and accompany the planning proposal during the public exhibition period.

2. Economic and social

The proposed rezoning of the site to light industrial will have the potential to create additional jobs in the East Chatswood industrial area. It will provide greater economic use of the site by allowing a variety of uses than the existing SP2 zoning.

Planning proposal to rezone land at 8 McCabe Place, Chatswood from SP2 Infrastructure to IN2 Light Industrial

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Transport for NSW - Roads and Maritime Services Sydney Water Telstra		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

A preliminary contamination assessment is required to determine whether the site is contaminated and suitable for future use.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council letter and Planning Proposal.pdf	Proposal	Yes
Attachment 4 - Delegation of plan making functions.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones**
 - 2.1 Environment Protection Zones**
 - 2.3 Heritage Conservation**
 - 3.4 Integrating Land Use and Transport**
 - 4.3 Flood Prone Land**
 - 6.1 Approval and Referral Requirements**
 - 6.2 Reserving Land for Public Purposes**
 - 6.3 Site Specific Provisions**
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended the planning proposal proceed subject to the following conditions:**

Planning proposal to rezone land at 8 McCabe Place, Chatswood from SP2 Infrastructure to IN2 Light Industrial

1. The planning proposal be exhibited for a period of 28 days.

2. A preliminary investigation report be prepared in accordance with State Environmental Planning Policy 55 (Remediation of Land) for the site and placed on public exhibition with the planning proposal.

3. Council will need to prepare maps that reflect the planning proposal in accordance with the Standard Technical Requirements for LEP maps. Amending maps that are required include:

- land zoning map; and
- floor space ratio map.

The amending maps are to be included in the public exhibition material of the planning proposal.

4. Consultation is to occur with the following public agencies under section 56(2) of the EP&A Act:

- Sydney Water;
- Telstra; and
- NSW Roads and Maritime Services.

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 EP&A Act.

6. The planning proposal be completed within 6 months from the week following the date of the Gateway determination.

7. An authorisation to exercise delegation to make the plan be issued to the Council for this planning proposal.

Supporting Reasons :

The planning proposal should be approved for the following reasons:

- The site is surplus to Ausgrid's requirements;
- The proposed zoning is consistent with the surrounding IN2 Light Industrial zoning in East Chatswood industrial area;
- The proposal has potential to create additional employment in the LGA; and
- Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of Council's delegation is supported.

Signature:



Printed Name:

Sandy Shewell

Date:

20.1.14

