

Planning Proposal - Housekeeping, Heritage Listing, Reclassification, and Other Amendments

Proposal Title : **Planning Proposal - Housekeeping, Heritage Listing, Reclassification, and Other Amendments**

Proposal Summary : **Planning Proposal to correct anomalies and discrepancies, provide clarity, introduce a local heritage item, reclassify 7-13 Herbert Street St Leonards from 'community' to 'operational', increase height limit and allow additional permitted uses for 28 Archer St Chatswood, and rezone seven public schools**

PP Number : **PP_2014_WILLO_005_00** Dop File No : **14/19490**

Proposal Details

Date Planning Proposal Received : **09-Dec-2014** LGA covered : **Willoughby**

Region : **Metro(CBD)** RPA : **Willoughby City Council**

State Electorate : **LANE COVE
WILLOUGHBY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Various addresses**

DoP Planning Officer Contact Details

Contact Name : **James Sellwood**

Contact Number : **0285754122**

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RPA Contact Details

Contact Name : **Jane Gibson**

Contact Number : **0297777672**

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DoP Project Manager Contact Details

Contact Name : **Tim Archer**

Contact Number : **0285754120**

Contact Email : **tim.archer@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro Inner North subregion** Consistent with Strategy : **Yes**

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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 : **The Department of Planning and Environment's Code of Conduct has been complied with. Metropolitan (CBD) has not met with or communicated with any lobbyist in relation to this planning proposal.**

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

If Yes, comment : **The Department of Planning and Environment is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Supporting notes

Internal Supporting Notes : **9 December 2014 - Time frame revised as additional information requested from Council.**

External Supporting Notes : **This planning proposal is intended to correct a number of errors, and provide greater clarity with regards to existing controls in Willoughby Local Environmental Plan 2012.**

The proposal also seeks to introduce the following amendments:

- list Castle Cove Golf Course as a heritage item of local significance;
- reclassify the Council owned affordable housing units at 7-13 Herbert Street, St Leonards from 'community' to 'operational';
- rezone seven public school to SP2 Educational Establishment; and
- provide a height limit and additional permitted uses for 28 Archer Street, Chatswood.

Adequacy Assessment

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

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

Comment : **The objectives of the planning proposal are to:**

CORRECT ANOMALIES, DISCREPANCIES AND PROVIDE CLARITY

The majority of the planning proposal comprises corrections and addresses anomalies which were created in error during the preparation of Willoughby Local Environmental Plan 2012 (WLEP 2012).

The corrections to the written instrument are intended to provide clarification of the intent of certain clauses in instances where uncertainty has arisen ie in the Height (Clause 4.3A), subdivision (Clause 4.1) and Affordable Housing (Clause 6.8). An update of property descriptions in Schedule 1 is also included.

The corrections to the Maps include:

- the removal of properties which were incorrectly included in the Special Provisions Area Map;

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- provision of error corrections for the Lot Size, Height of Buildings and Floor Space Ratio Maps; and
- adding an additional area to the Lot Size Map to provide clarity regarding subdivision in B3 Commercial Core land in Chatswood CBD.

PROPOSED HERITAGE ITEM

The planning proposal also includes a proposed heritage item of local significance.

RECLASSIFICATION OF LAND AT 7-13 HERBERT STREET, ST LEONARDS

The planning proposal also seeks to reclassify to operational the Council owned 10 affordable housing units at 7-13 Herbert Street, St Leonards. There are no interests changing as part of this reclassification.

28 ARCHER STREET

Provide a height limit and attached dwellings and multi dwelling housing as additional permitted uses for the property at 28 Archer Street, Chatswood.

REZONING OF PUBLIC SCHOOLS TO SP2 EDUCATIONAL ESTABLISHMENT

The planning proposal seeks to rezone 7 public schools from adjoining residential zones back to SP2 Educational Establishment (as per the equivalent zoning under Willoughby Local Environmental Plan 1995).

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

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

Comment : **The explanation of provisions can be summarised as:**

- the removal or properties which were incorrectly included in the Special Provisions Area Map;
- error corrections on the Lot Size, Height of Buildings and Floor Space Ratio Maps;
- addition of an area to the Lot Size Map to provide clarity regarding subdivision in the B3 Commercial Core zone in the Chatswood CBD;
- listing of Castle Cove Golf Course as a heritage item of local significance;
- reclassification of the 10 Council owned affordable housing units at 7-13 Herbert Street, St Leonards from 'community' to 'operational';
- introduction of a height limit and additional permitted uses for 28 Archer Street, Chatswood; and
- rezoning to SP2 Educational Establishment of the following 7 public schools:
 - Mowbray Public School;
 - Chatswood Public School;
 - Artarmon Public School;
 - Willoughby Girls High School;
 - Willoughby Public School;
 - Castle Cove Public School; and
 - Northbridge Public School

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

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3.1 Residential Zones

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

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

There are no inconsistencies with the any State Environmental Planning Policies (SEPPs).

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

If No, explain :

Council has adequately addressed all s117 Ministerial Directions and SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The planning proposal incorporates indicative maps but does not contain revised LEP maps as yet. This will need to be addressed prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes to exhibit the planning proposal for a period of 28 days. This is supported.

Additional Director General's requirements

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

If Yes, reasons :

There are no additional Secretary's Requirements (formerly Director General's Requirements).

Overall adequacy of the proposal

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

If No, comment :

The proposal meets the adequacy criteria, however reformatting of proposed amendments and mapping which meets LEP mapping standards will need to be provided for public exhibition.

Proposal Assessment

Principal LEP:

Due Date : **January 2013**

Comments in relation to Principal LEP :

Willoughby Local Environmental Plan 2012 was notified on 31 January 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal arises from the following needs:

- to make error corrections and revisions to the LEP for clarity
- heritage listing of Castle Cove Golf Course
- reclassify 10 council owned affordable housing units from 'community' to 'operational'
- rezone seven (7) public schools to SP2 Education Establishment.

- introduce a height limit and additional permitted uses for 28 Archer Street, Chatswood

A housekeeping amendment is considered to be the best means for achieving the above aims.

ERROR CORRECTIONS AND REVISIONS

Most of the proposed amendments to the LEP comprise corrections and addresses anomalies which were created in error during the preparation of Willoughby Local Environmental Plan 2012 (WLEP 2012).

The corrections to the written instrument are intended to provide clarification of the intent of certain clauses in instances where uncertainty has arisen with regards to:

- Height (Clause 4.3A)
- Subdivision (Clause 4.1)
- Affordable Housing (Clause 6.8)
- Update of property descriptions in Schedule 1.

Corrections to the LEP Maps include:

- removal of properties which were incorrectly included in the Special Provisions Area Map
- provision of error corrections for the Lot Size, Height of Buildings and Floor Space Ratio Maps.
- Adding an additional area to the Lot Size Map to provide clarity regarding subdivision in B3 Commercial Core land in Chatswood CBD.

HERITAGE LISTING OF CASTLE COVE GOLF COURSE

The Walter Burley Griffin Society undertook a thorough investigation of available primary and secondary sources, but these provided no evidence to confirm the extent of the role that Walter Burley Griffin had in planning, designing and constructing the Castle Cove Golf Course that might warrant consideration of the property as a local heritage item.

Although Castle Cove Golf Course does not meet the NSW Heritage Assessment Criteria for listing as an item of environmental heritage, Council supported the heritage listing of Castle Cove Golf Course through a resolution of Council, based on historical associations and social significance.

RECLASSIFICATION OF 7-13 HERBERT STREET FROM 'COMMUNITY' TO 'OPERATIONAL'

Council informs the Department that until recently, it was thought that the units were operational land as the formal processing to reclassify them had been carried out at the time of ownership transfer to Council. Further investigation revealed, however, that an administrative error occurred at the end of the process with an absence of the final public notice following the Council resolution.

REZONING OF SEVEN SCHOOL SITES

The rezoning of the school sites follows a Council resolution which took place when Council resolved to proceed with the making of WLEP 2012. It was agreed with Department staff at that time to proceed with making WLEP 2012 with a follow up planning proposal to rezone the land back to Special Uses.

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The Department's position at the time was that schools be zoned as per the surrounding land. However, more recently made Standard Instrument LEPs have been allowed to zone schools as SP2 Educational Establishment, these include the following LEPs:

- Ryde LEP 2014
- Ku-ring-gai Local Centres LEP 2010
- Waverley LEP 2012
- Sydney LEP 2012
- Pittwater LEP 2014
- Manly LEP 2013

28 ARCHER STREET

The building height controls for 28 Archer Street were inadvertently missed from WLEP 2012. Its inclusion in this planning proposal follows a recent Development Application for the site which attempted to take advantage of the omission of a height control and was subsequently refused.

This amendment will provide more certainty for the site in terms of Council's expectations through the introduction of a building height of 9 metres and additional permitted residential uses (attached dwellings and multi dwelling housing) on the site in Schedule 1 - Additional Permitted Uses.

Consistency with strategic planning framework :

Environmental social economic impacts :

It is considered that the planning proposal will not have any adverse economic, environmental or social impacts.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation :

Public Authority Consultation - s56(2) (d) : **Adjoining LGAs**

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

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

If no, provide reasons : **There is adequate information and merit for the planning proposal to proceed to Gateway determination.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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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
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report and Resolution.pdf	Proposal	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**
- 3.1 Residential Zones**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information :

It is recommended that the planning proposal proceed, subject to the following conditions:

1. Consultation is required with the following public authorities under section 56(2)(d) of the Act:

- Office of Environment and Heritage – Heritage Division
- Department of Education and Communities

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Public authorities may request additional information or additional matters to be addressed in the planning proposal. The planning proposal is to be revised to address submissions from these public authorities, and copies of all submissions must be included with the revised proposal.

2. Prior to undertaking community consultation, Council is to update the planning proposal to include maps for all proposed map amendments. These maps should be prepared in accordance with the Department's 'Standard Technical Requirements for LEP Maps' (Department of Planning and Environment 2013).

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal is classified as low impact as described in 'A Guide to Preparing LEPs' (Department of Planning and Environment 2013) and must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A Guide to Preparing LEPs' (Department of Planning and Environment 2013).

4. A public hearing is not required to be held into the matter by any person or body under

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section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

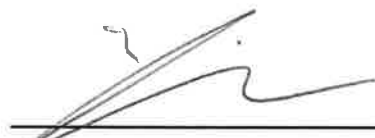
Supporting Reasons :

The planning proposal is recommended for approval as:

- it aims to correct errors and anomalies;
- make minor amendments for the better functioning of the plan;
- introduce a new heritage item based on considered heritage advice;
- rezone 7 public schools to SP2 Educational Establishment;
- provide 28 Archer Street, Chatswood with a height limit and additional permitted uses; and
- reclassify public land (10 affordable housing units at 7-13 Herbert Street, St Leonards) from 'community' to 'operational', no interests are proposed to change under the reclassification.

The planning proposal is considered appropriate to delegate to Council.

Signature:



Printed Name:

Wayne Williamson

Date:

12/12/2014