

126 Greville Street and 23-25 Millwood Avenue, Chatswood

Proposal Title : 126 Greville Street and 23-25 Millwood Avenue, Chatswood

Proposal Summary : Rezoning from 5(a)Special Uses -Acoustic Laboratory to part E2 Environmental Conservation and part R3 Medium Density Residential to allow for up to 60 dwellings. Changes are also proposed to FSR, building height and minimum lot size. Special provisions proposed regarding Stage 2 contamination study and a cap on dwellings. Schedule 1 to be amended to enable:

- i. dwelling houses with consent within that part of the site to be zoned R3.
- ii. works associated with an Asset Protection Zone with consent on that part of the site to be zoned E2.

PP Number : PP_2012_WILLO_002_00 Dop File No : 10/20811

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 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 : 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:

(a) The planning proposal is not low impact as described in "A Guide to Preparing LEP's" (Department of Planning and Infrastructure 2012) and must be publicly exhibited for 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 together with planning proposals as identified in section 5.5.2 of "A Guide to Preparing LEP's", and

(c) Consultation occur with the following State government departments:

- (i) Office of Environment and Heritage - NSW National Parks and Wildlife Service
- (ii) NSW Rural Fire Service
- (iii) Transport for NSW - Roads and Maritime Services
- (iv) Department of Primary Industries - Office of Water

2. The planning proposal be amended in line with the recommendations of the SEJRPP as follows:

(a) The triangular land parcel in the north-west corner of the site be zoned E2 Environmental Conservation and that the zoning boundary with the adjoining R3 zone follow the surveyed ecological boundary line shown on the survey plan by Denny Linker, Issue D, dated 30 November, 2012.

(b) A special provision capping the maximum number of dwellings at 60 apply to land zoned R3 at 126 Greville Street, Chatswood.

(c) That 23 and 25 Millwood Avenue Chatswood be zoned E4 Environmental Living as per Draft WLEP 2012.

(d) Schedule 1 be amended for that part of the site to be zoned E2 to include as permitted with consent " works required in an Asset Protection Zone."

3. A Draft Development Control Plan be prepared for the site in consultation with Willoughby Council and placed on public exhibition together with the planning proposal.

4. The planning proposal and supporting material (including the Draft DCP) be endorsed at a meeting of the SEJRPP prior to being placed on public exhibition.

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

6. SECTION 117 DIRECTIONS

It is also recommended that:

The Director General or his delegate agree in accordance with s117 Direction 6.3 Site Specific Provisions, clause (6) that the provisions of the planning proposal that are inconsistent with the Direction are of minor significance.

Supporting Reasons :

1. Rezoning is required to remove the existing 5(a)Special Uses - Acoustic Laboratory zone which is no longer required and only allows for one permissible use.
2. The proposed R3 zoning will take advantage of the opportunity to contribute to housing needs within the subregion given the favourable site characteristics of a large, single landholding, access to public transport, open space and Chatswood Centre.
3. The proposal will conserve remnant riparian bushland whilst allowing for works required in the Asset Protection Zone.
4. The proposal will create housing diversity by allowing attached dwellings on small lots within the R3 zone.
5. Rezoning of 23 and 25 Millwood Avenue, Chatswood to E4 will ensure that this part of the site (which is physically removed from 126 Greville Street by a cliffline) will maintain the streetscape character of Millwood Avenue.
6. Setting the boundary between the E2 and R3 zone along a surveyed ecological boundary provides an environmental rationale for location of the zoning boundary.
7. A rezoning proposal for the site was first put forward in 2006 and is yet to be finalised, indicating that Willoughby Council and the community hold concerns regarding future redevelopment of the site. The requirement for a DCP to be publicly exhibited together with the planning proposal will address those concerns and provide greater certainty around future redevelopment of the site.
8. Consultation with State agencies has occurred in previous years although should be undertaken once again as:
 - (a) government priorities, policy and requirements have changed since the proposal was first put forward in 2006
 - (b) the current proposal has changed considerably from earlier proposals for the site

- (c) further ecological investigation and a draft DCP will now be available
- (d) S117 Direction 4.4 Planning for Bushfire Protection requires consultation with the NSW RFS following receipt of a Gateway determination. This is appropriate given that changes to Asset Protection Zone requirements are anticipated.

Panel Recommendation

Recommendation Date : 20-Dec-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Requirements concerning the remediation of contaminated lands are covered under State Environmental Planning Policy (SEPP) 55 – Remediation of Land. The proposed special provision which requires undertaking investigations for contaminated lands should be removed from the planning proposal. The relevant planning authority is to ensure that the planning proposal satisfies the requirements of SEPP 55. If required, an initial site contamination investigation report is to be prepared to demonstrate that the site is suitable for rezoning to the proposed zone and placed on public exhibition. Development for the purposes of bush fire hazard reduction works are covered under SEPP Infrastructure, therefore the condition to permit works within an asset protection zone is also to be removed from the planning proposal. The planning proposal should be amended to explain its relationship with SEPP 55 and SEPP Infrastructure.
2. Prior to commencing public exhibition, the planning proposal is to be amended to:
 - (a) remove Lot 137 DP 14799, being 23 Millwood Avenue, and Lot 138 DP 14799, being part of 25 Millwood Avenue, Chatswood, as it no longer applies to the planning proposal. The planning proposal is to clearly advise that the 60 dwelling cap only applies to 126 Greville Street and part of 25 Millwood Avenue, Chatswood being Lot 1 DP408490. All maps accompanying the planning proposal should clearly identify the subject land and clearly illustrate the changes proposed;
 - (b) zone the triangular land parcel in the north-west corner of the site to E2 Environmental Conservation and align the zoning boundary to follow the surveyed ecological boundary line shown on the survey plan by Danny Linker, Issue D, dated 30 November 2012;
 - (c) include existing and proposed land zoning, floor space ratio, height of buildings and lot size maps under Willoughby LEP 2012 at an appropriate scale, which clearly identify the subject land; and
 - (d) include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
3. A draft Development Control Plan is to be prepared, in consultation with Willoughby Council, which is to be placed on public exhibition with the planning proposal.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 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 Infrastructure 2012).
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage – NSW National Parks and Wildlife Service
 - NSW Rural Fire Service
 - Transport for NSW – Roads and Maritime Service
 - Department of Primary Industries – Office of Water

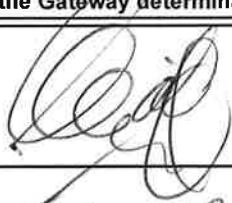
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to

comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. 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. This does not discharge the regional planning authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Signature:



Printed Name:

Nest McCreaffin

Date:

13.2.13