

Planning Proposal for Lot 5 DP 270714 to amend the zoning, maximum floor space ratio and include a new additional local provision on Lot 5 of the Gore Hill Technology Park at 4 Broadcast Way, Artarmon (Former ABC Site, 219 Pacific Highway)

Proposal Title :	Planning Proposal for Lot 5 DP 270714 to amend the zoning, maximum floor space ratio and include a new additional local provision on Lot 5 of the Gore Hill Technology Park at 4 Broadcast Way, Artarmon (Former ABC Site, 219 Pacific Highway)		
Proposal Summary :	The proposal seeks to amend Willoughby Local Environmental Plan 2012 (WLEP 2012) by rezoning Lot 5 of the Gore Hill Technology Park at 4 Broadcast Way, Artarmon (Former ABC Site, 219 Pacific Highway) from Light Industrial IN2 to Business Park B7, amending the FSR from 1:1 to 3.5:1 subject to a site cover of 60 per cent and including a new additional local provision clause requiring offices and business premises to have a minimum floor plate of 1,200 square metres in the B7 Zone.		
PP Number :	PP_2016_WILLO_003_00	Dop File No :	16/14184

Proposal Details

Date Planning Proposal Received :	28-Oct-2016	LGA covered :	Willoughby
Region :	Metro(CBD)	RPA :	Willoughby City Council
State Electorate :	WILLOUGHBY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 5 DP270714		
Street :	Broadcast Way		
Suburb :	Artarmon	City :	Sydney
			Postcode : 2064
Land Parcel :			

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DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name : **Sandy Chappel**
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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government **Yes**
 Lobbyists Code of
 Conduct has been
 complied with :
 If No, comment :

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

If Yes, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting
 Notes : **CURRENT PLANNING CONTROLS**
The original development consent for the Gore Hill Technology Park, assessed by Council, approved an FSR of 1.77:1 for the whole site under the Willoughby LEP 1995. A subsequent approval for community title subdivision of the site into six (6) lots resulted in an FSR of 3.5:1 over Lot 5. The subsequent change to the Standard Instrument LEP in 2012 did not reflect these previous changes to the FSR and the site is currently listed as having a base

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FSR of 1:1. The site has a Reduced Level Height (RL) of 122m and is zoned IN2 Light Industrial under Willoughby LEP 2012. The building on Lot 5 already exists, and was approved under the previous Willoughby LEP 1995. This proposal is seeking to amend the Willoughby LEP 2012 to reflect the current building controls implemented on the existing building in the Willoughby LEP 2012, and rezone Lot 5 from IN2 Light Industrial to B7 Business Park.

SITE HISTORY

An initial Gateway determination was issued for the whole Gore Hill Technology Park Site (PP_2014_WILLO_002_00) to rezone both Lots 5 and 6 from IN2 Light Industrial to B7 Business Park, amend the height and FSR controls relating to the site to allow large floor plate office development in a business park setting, amend the height controls on lot 3 DP 270714 to allow a data centre to be developed on the site and to amend clause 4.6 Exceptions to development standards of WLEP 2012 as it relates to the site.

This planning proposal has been submitted to separate Lot 5, as there is a tenant interested in occupying the remainder of the building that already exists on Lot 5. The building cannot host this particular tenant due to the IN2 zoning. Part of the existing building is currently occupied by Fox Sports, with the remainder of the building unoccupied. A change to the IN2 zoning would not impact Fox Sports as it is considered a form of high technology industry under the group term light industry and is permissible in the B7 Business Park zone under Willoughby LEP 2012.

Council has not requested delegation to carry out the Minister's function under section 59 of the EP&A Act 1979 to progress this planning proposal, however as delegation was given to carry out PP_2014_WILLO_002_00, it is deemed appropriate for Council to be authorised to exercise delegations to complete the planning proposal as the matter is of local significance.

External Supporting
Notes :

Adequacy Assessment

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

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

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

- separate Lot 5 to remove it from the original planning proposal to prevent delays arising from the rezoning of Lot 6;
- update building controls in WLEP 2012 relating to Lot 5 in accordance with the building already constructed on the site;
- ensure consistency across the Gore Hill Technology Park in regards to building controls and occupancy requirements; and
- ensure timely occupation of the site.

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

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

Comment : **The proposal seeks to amend planning controls in WLEP 2012 as follows:**

- rezone Lot 5 which is part of the Gore Hill Technology Park from Light Industrial IN2 to Business Park B7;
- include a new clause 4.4A - Exceptions to floor space ratio in the Willoughby LEP 2012 allowing an increase in FSR from 1:1 to 3.5:1 subject to a site cover of 60 per cent and requiring office and business premises to have a minimum floor plate of 1,200 square metres in the B7 Zone for Lot 5.

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To ensure employment generation on the Gore Hill Technology Park does not impact on the competitiveness of the Chatswood and St Leonards centres, Council proposes to include a new Clause under Part 6 Additional local provisions to require individual office space on Lot 5 to be a minimum of 1,200sqm gross floor area. The explanation of provisions provided by Council should be updated to reference only Lot 5.

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

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

7.1 Implementation of A Plan for Growing Sydney

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable areas; protect employment lands; and support the viability of identified strategic centres.

The planning proposal is inconsistent with this Direction as it seeks to reduce the amount of industrial land. This inconsistency is justified for the following reasons:
- the B7 Business Park Zone permits light industry and high technology industry, which are significant land uses already permitted in the current IN2 - Light Industry zone;
- the rezoning of Lot 5 will not undermine the strategic vision for the Gore Hill Technology Park in the inner north subregion and will not have a detrimental impact on the Artarmon industrial precinct and alternative employment lands in the subregion;
- the introduction of an appropriate control in Willoughby LEP 2012 to achieve large office floor plates of at least 1,200 square metres on Lot 5 will limit impacts on existing commercial centres such as St Leonards and Chatswood in this subregion.

The Secretary can be satisfied that in this case the inconsistency can be considered minor.

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

If No, explain :

The proposal is considered to be consistent with all SEPPs and other section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping will need to be prepared with proposed changes to Lot 5 prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Public consultation will be undertaken in accordance with the Gateway determination. Council suggests an exhibition period of 28 days.

PROJECT TIMELINE

A timeline for the project has not been provided by Council.

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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 :

Proposal Assessment

Principal LEP:

Due Date :

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

Assessment Criteria

Need for planning proposal : **A planning proposal is the best way to amend the current zoning of the site to ensure occupancy of the building on Lot 5. The only way to permit "office premises" on Lot 5 is to amend the current controls through a planning proposal.**

Consistency with strategic planning framework : **The planning proposal is not the direct result of a strategic study or report. It is inconsistent with the aims outlined in "A Plan for Growing Sydney" in that it reduces the amount of industrial land by rezoning Lot 5 from IN2 Light Industrial to B7 Business Park.**

This inconsistency is justified as the proposal does not undermine the strategic vision for the Gore Hill Technology Park.

The proposal is consistent with several directions within Local Strategies related to supporting economic growth and appropriate land uses in the Artarmon Industrial Area. These strategies include the Willoughby City Strategy 2013-2029, Willoughby Structure Plan and the NSROC Subregional Plan.

The proposal is broadly consistent with the draft North District Plan priorities and actions, to grow jobs on urban services land, such as Artarmon.

Environmental social economic impacts : **ENVIRONMENTAL**
The subject site is located in an Industrial Area which does not contain any known critical habitat or threatened species, populations or ecological communities or habitats.

Contamination

The subject site is currently occupied by industrial land uses which may have an associated risk of contamination. Council has outlined that an Environmental Site Assessment Report was submitted as part of the original planning proposal for Lots 3,5 and 6 (PP_2014_WILLO_002_00). Council outlined that the proponent has complied with National Environment Protection Measurement standards necessary to warrant support for the rezoning.

Traffic and Parking

Transport and Traffic Planning Associates prepared a traffic assessment on behalf of the proponent for the proposal dated August 2016, assessing traffic generation and demand for parking associated with the rezoning of Lot 5. The assessment outlined that the current parking provision of 182 spaces is adequate for the 14,466 square metres based on

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Council's DCP requirement of 1 space per 79.5 square metres.

The assessment also concluded that the change in zoning from IN2 Light Industrial to B7 Business Park will not result in any adverse traffic impacts.

ARUP was commissioned by Willoughby City Council to review these findings and concluded that the planning proposal would result in a slight increase in traffic but that this additional traffic would have negligible impacts on the local and regional road network.

SOCIAL AND ECONOMIC IMPACTS

Consultation internally with Council's Employment Lands Team, an economic analysis prepared by consultants Knight Frank on behalf of the proponent and a review of this analysis prepared by consultants Hill PDA on behalf of Council reiterates the point that attracting predominantly light industries to the site is difficult as these users are increasingly seeking to co-locate office premises with industrial uses and a change of use to B7 Business Park would allow for greater flexibility.

Considering the building has already been developed, the rezoning will not result in an increase in worker population greater than already anticipated, but will allow for more flexibility in attracting tenants to the site.

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**
Adjoining LGAs
Other

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. :

If Other, provide reasons :

Identify any internal consultations, if required :

Employment Lands (ELDP)

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

If Yes, reasons : **Future infrastructure needs were examined when the site was originally rezoned to 4(c) Business Park under WLEP 1995. Road and intersection upgrades have been undertaken as a consequence of approved development applications for the site.**

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Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 3.4 Integrating Land Use and Transport
 7.1 Implementation of A Plan for Growing Sydney

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

- 1. Prior to undertaking public exhibition, Council is to update the planning proposal to reflect the explanation of provisions regarding the inclusion of Clause 4.4A – Exceptions to floor space ratio of Willoughby LEP 2012, outlining the requirements for “Area 18”.**
- 2. Prior to undertaking public exhibition, Council is to amend the ‘explanation of provisions’ within the planning proposal relating to minimum size of floor plates. The term ‘floor plate’, used in the clause, is not defined and should be replaced with the term ‘Gross Floor Area’ and should only reference Lot 5. Council should provide a plain English explanation of the intention of the proposed clause. The means to achieve Council’s desired outcome is to be further considered.**
- 3. Prior to undertaking public exhibition, Council is to update the planning proposal to correct the address in Schedule 1 - Additional Permitted Uses Clause 4(1) and Clause 4.6 (8)(ca) to reference the updated address of the site, from 219 Pacific Highway Artarmon, being Lots 1-6 DP 270714 to 1-5 Broadcast Way, Artarmon, being lots 1-6 DP 270714.**
- 4. Prior to undertaking public exhibition, Council is to update the planning proposal to outline the project timeline for the proposal.**
- 5. Prior to undertaking public exhibition, Council is to update the planning proposal to reference the policies and actions outlined in the draft North District Plans that are relevant to this proposal.**
- 6. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning and maximum floor space ratio maps, which are at an appropriate scale and clearly identify the subject land.**
- 7. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:**
 - (a) the planning proposal 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 2016).**
- 8. Consultation is required with the following public authorities under section 56(2)(d) of the Act:**

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- Transport for NSW – Roads and Maritime Services
- Adjoining LGAs

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.

9. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).

10. 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 should be supported as it seeks to realise the potential role of the Gore Hill Technology Park by increasing business and employment opportunities in the Willoughby LGA whilst limiting impacts on existing commercial centres in the inner north subregion. By separating the planning proposal and approving a separate Gateway determination for Lot 5, the site can be occupied by interested tenants without delays from Lot 6 impacting this occupation.

The Willoughby LEP 2012 can also be updated to recognise the current FSR controls implemented on the site that were approved in the initial DA for the site, but not recognised in the Standard Instrument.

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

30/11/16