

Planning Proposal to Change Zoning, FSR and Height Controls at 1 - 5 Broadcast way, Artarmon

Proposal Title :	Planning Proposal to Change Zoning, FSR and Height Controls at 1 - 5 Broadcast way, Artarmon		
Proposal Summary :	The proposal seeks to amend Willoughby Local Environmental Plan 2012 (WLEP 2012) by rezoning lots 5 and 6 which are part of the Gore Hill Technology Park from Light Industrial IN2 to Business Park B7 and to amend the height and FSR controls relating to the site to allow large floor plate office development in a business park setting.		
PP Number :	PP_2014_WILLO_002_00	Dop File No :	14/06180

Proposal Details

Date Planning Proposal Received :	25-Mar-2014	LGA covered :	Willoughby
Region :	Sydney Region East	RPA :	Willoughby City Council
State Electorate :	WILLOUGHBY	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	1-5 Broadcast Way		
Suburb :	Artarmon	City :	Sydney
		Postcode :	2064
Land Parcel :	Lots 3, 5 & 6 DP 270714		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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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 Change Zoning, FSR and Height Controls at 1 - 5 Broadcast way, Artarmon

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 :	148

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

If No, comment : **Planning and Infrastructure's Code of Conduct has been complied with. Metropolitan Delivery (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 :

Supporting notes

Internal Supporting Notes : **The current proposal seeks to amend Willoughby Local Environmental Plan 2012 (WLEP 2012) by rezoning lots 5 and 6 from Light Industrial IN2 to Business Park B7 and to amend the height and FSR controls relating to the site to allow large floor plate office development.**

The Context Map (attached) shows the subject site (zoned IN2) and surrounding zones.

The Light Industrial IN2 Zone in WLEP 2012 does not currently permit stand alone office premises. Economic studies supporting this proposal suggest that this zone significantly limits the pool of potential tenants for this site. These studies also suggest that the provision of affordable, A grade, green star rated, campus style commercial office floorspace on lots 5 and 6 would not undermine the viability of Chatswood and St Leonards/Crows Nest CBD office precincts.

Internal consultation with the Employment Lands Team supports the findings of the external economic studies.

It is also proposed to 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.

Planning and Infrastructure supports this proposal because:

- 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, whilst increasing the range permitted employment uses on the subject site;
- the rezoning of lots 5 and 6 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;
- in line with recent economic analysis, the introduction of an appropriate control to achieve large office floor plates of at least 1200sqm on lots 5 & 6 will limit impacts on existing commercial centres in this subregion;
- the rezoning will create a logical extension of B7 Business Park zoned along the Pacific Highway to the boundary with the NSW TAFE site whilst still allowing for transition to light industrial uses to the rear of the site;
- the adjacent TAFE and Royal North Shore Hospital precinct could also encourage office

Planning Proposal to Change Zoning, FSR and Height Controls at 1 - 5 Broadcast way, Artarmon

based medical and research tenants for the subject site reinforcing this area as a "knowledge cluster" consistent with the Inner North Subregional Plan.

Council have not requested delegation to carry out the Minister's function under section 59 of the EP&A Act 1979 to progress this planning proposal.

External Supporting Notes :

The planning proposal is supported by Council based on an economic viability 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.

These studies suggest that the provision of affordable A grade, green star rated, campus style commercial office floorspace on the subject sites would present an opportunity to increase business and employment opportunities within the Willoughby LGA.

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 realise the potential role of the Gore Hill Technology Park in increasing business and employment opportunities in the Willoughby LGA by allowing additional uses on the subject site plus additional height and floor space and large floor plate office development on lots fronting the Pacific Highway.

Specifically the planning proposal seeks to:

1. allow office premises as a permissible use in the existing Building C (lot 5), which is 50% occupied by Fox Sports, and also on lot 6. These lots have been unable to attract users permitted in the IN2 Light Industrial Zone.
2. allow additional floor space for lots 5 & 6 to attract tenancies requiring large office floor plates.
3. allow a height of RL 136 for part of lot 6 being the Council sports and community centre to allow the courts which form part of this centre to have a floor to floor height of 10.5m and also allow netting to enclose the two roof top outdoor courts.
4. allow a height increase of 2m from RL 118 to RL 120 on lot 3 to accommodate a lift overrun for the proposed data centre.
5. remove the prohibition of the use of clause 4.6 Exceptions to development standards within WLEP 2012 to vary the height controls for the subject site.

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

Is an explanation of provisions provided? Yes

Comment :

In order to facilitate the above objectives the following amendments to WLEP 2012 are required:

Lot 6:

- Rezone to B7 Business Park.
- Include lot 6 as a new Area 15 on the FSR Map to enable 3.5:1 FSR for sites over 12,000 sqm and a maximum site coverage of 60%.
- Amend the Height of Building Map by providing a height of RL 136 on part of lot 6 between its eastern boundary and a north/south line 40m to the west.
- Include a new local clause in Part 6 of WLEP 2012 as follows:
 - (1) This clause applies to Lots 5 & 6 known as 2 & 4 Broadcast Way, Artarmon zoned B7 Business Park.
 - (2) Development consent for the purposes of Office Premises must not be granted unless the consent authority is satisfied that:
 - a) The occupant requires and will solely occupy a single floor plate of 1,200 sqm as a minimum;

Planning Proposal to Change Zoning, FSR and Height Controls at 1 - 5 Broadcast way, Artarmon

b) The applicant has demonstrated that owing to special building or floor plate requirements suitable land or premises is not available for development or occupation within any nearby business centre including Chatswood and St Leonards Central Business Districts; and

c) The development would not detrimentally affect the viability of the Chatswood or St Leonards CBD office precincts.

Internal consultation with Legal Branch has highlighted that the term "floor plate" lacks sufficient interpretation and will not be accepted in an LEP by Parliamentary Counsel. The concept of restricting floor plate size is supported, however, the means to achieve this requires further discussion which can occur post exhibition.

Lot 5:

- Rezone to B7 Business Park under WLEP 2012.
- Include on FSR Map as 3.5:1 to reflect the existing building on the site.

Lot 3:

- Amend the Height of Building Map to provide an increase from RL 118 to RL 120 for the whole lot.

Clause 4.6:

- Amend to remove subclause 8 (ca) of WLEP 2012 which prohibits the use of clause 4.6 to vary the height on lots 1-6 DP 270714.

It is noted that the proposal is in proximity to the communication tower maintained by Broadcast Australia and due to potential height conflicts consultation is recommended with Broadcast Australia.

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

3.4 Integrating Land Use and Transport

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?

SEPP No 55—Remediation of Land

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

S.117 Directions

1.1 Business and Industrial Zones / 7.1 Implementation of the Metropolitan Plan for Sydney 2036(Action E3.2).

The objectives of these directions 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 these directions as it seeks to reduce the amount of industrial land and remove Category 1 Employment Land within the Willoughby LGA. 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 lots 5 and 6 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 WLEP 2012 to achieve large office floor plates of at least 1200sqm on lots 5 & 6 will limit impacts on existing commercial centres in this subregion.

3.4 Integrating Land Use and Transport

Planning Proposal to Change Zoning, FSR and Height Controls at 1 - 5 Broadcast way, Artarmon

The planning proposal is consistent with this direction as the subject site fronts the Pacific Highway which is a major arterial road in the subregion. Access to the M2 motorway is less than 2 kms to the north. St Leonards station and Artarmon station are located less than 5km from the subject site.

A Deed of Agreement between Council and Gore Hill Industrial Park Pty Ltd covers the subject site to secure a right of way access across the site and achieve pedestrian and cycleway connections to RNS Hospital, North Sydney TAFE and St Leonards Railway station. The deed also includes provisions for a community shuttle bus service to connect to the station and a community centre.

SEPP No 55 - Remediation of Land

Site remediation is required and will be considered at the development assessment stage.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The planning proposal does not include mapping.

Prior to public exhibition, the planning proposal should be amended to:

- identify the map sheets from Willoughby LEP 2012 which are to be amended;
- include maps showing the existing zoning, height and FSR for Lots 3,5 & 6 DP 270714; and
- include maps showing the proposed zoning, height and FSR for Lots 3,5 & 6 DP 270714.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes a 28 day exhibition period with notice of the planning proposal given in the North Shore Times, on Council's website and in writing to adjoining landowners, including Broadcast Australia.

It is proposed to exhibit the planning proposal along with:

- the revised draft VPA for the site between Council and the developer (document attached to planning proposal).
- a new draft VPA for the construction, use of and payment for the Council sport and community facility on lot 6 of the site (document attached to planning proposal).
- draft amendments to the Willoughby Development Control Plan (DCP) to reflect proposed changes to WLEP 2012 relating to the site.

Project Timeline:

The planning proposal contains an estimated project time line for completion within 6 months, however a time frame of 9 months is considered more realistic.

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 :

The planning proposal provides adequate information for the following:
1. objectives and intended outcomes

Planning Proposal to Change Zoning, FSR and Height Controls at 1 - 5 Broadcast way, Artarmon

2. explanation of the provisions
3. justification for the proposal
4. community consultation
5. project time line

Delegation of plan making functions is considered to be appropriate in this instance.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The WLEP 2012 was made on 31 January 2013.

During exhibition of the draft WLEP 2012, rezoning of the subject site from IN2 -Light Industry to B7 - Business Park was not supported by Council. Council requested that the proposed zoning change be considered via a separate planning proposal with suitable justification and public exhibition.

Assessment Criteria

Need for planning
proposal :

Council believes that this planning proposal is necessary to increase business and high tech employment opportunities in Willoughby LGA without adversely affecting the viability of St Leonards and Chatswood.

Consistency with
strategic planning
framework :

The planning proposal is consistent with the Willoughby City Strategy 2012-2025.

The planning proposal is not consistent with the following strategies:

Metropolitan Plan for Sydney 2036

Action E3.2: Identify and retain strategically important employment lands.

Draft Inner North Subregional Strategy

The subject site is identified as Category 1 Strategic Employment Lands under this strategy.

Draft Metropolitan Plan for Sydney to 2031

Objective 13: Provide a well located supply of industrial lands.

The planning proposal is inconsistent with these strategies as it seeks to reduce the amount of industrial land and remove Category 1 Employment Land within the LGA. This inconsistency is considered justified based on economic studies (see below) confirming that the proposed rezoning will not undermine the strategic role of the Gore Hill Technology Park in the inner north subregion and will not threaten the viability of the Artarmon industrial precinct and alternative employment lands in the subregion.

Environmental social
economic impacts :

ECONOMIC IMPACTS

The justification for the inconsistency of planning proposal with S.117 Direction - 1.1 Business and Industrial Zones - is based on internal consultation with the Employment Lands Team, an economic viability 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.

Consultants agree that attracting purely light industrial uses to the site is difficult as these users are increasingly seeking to co-locate office premises with industrial uses. Hill PDA states that the provision of affordable A grade, green star rated, campus style commercial office floorspace on the subject sites would present an opportunity to increase business and employment opportunities in the Willoughby LGA. This is provided that prospective tenants demonstrate a commitment to occupying contiguous floor space of more than 1,200 sqm, via an appropriate control in WLEP 2012, so they do not compete with the supply of smaller office floor space in Chatswood and St Leonards.

Planning Proposal to Change Zoning, FSR and Height Controls at 1 - 5 Broadcast way, Artarmon

Hill PDA favour the rezoning of lots 5 & 6 from Light Industrial IN2 to Business Park B7, rather than including office premises as a permitted use in the IN2 Zone, for reasons outlined earlier under "Internal Supporting Notes."

ENVIRONMENTAL IMPACTS:

The subject site is existing industrial land. The planning proposal does not apply to land, nor is it in the vicinity of land, that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

Compliance with SEPP 55 - Land Remediation is required for the site under an existing development consent.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 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.**

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	No
1. Planning Proposal submission for Gateway.pdf	Proposal	No
2. Report to Council 10 march 2014 and resolution.pdf	Study	No
3. Report to Council 24 Feb 2014 incl 10 Dec 2013 report.pdf	Study	No
4. Hill PDA report.pdf	Study	No
5. Knight Frank report.pdf	Study	No

Planning Proposal to Change Zoning, FSR and Height Controls at 1 - 5 Broadcast way, Artarmon

6. Community centre specifications.pdf	Study	No
7. Gore Hill VPA.pdf	Study	No
8. Council Report - VPA for Gore Hill Technology Park.pdf	Study	No
9. Council resolution - VPA.pdf	Study	No
10. ELT advice.pdf	Study	No
11. context map.pdf	Map	No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.4 Integrating Land Use and Transport
 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:**

- planning proposal is exhibited for 14 days;
- planning proposal is completed within 9 months;
- a public hearing is not required to be held;
- maps clearly identifying the subject site and showing both the current and proposed zoning, height and FSR for Lots 3, 5 & 6 DP 270714 are to be exhibited with the planning proposal.
- external consultation is undertaken with Broadcast Australia, Transport for NSW and adjoining LGAs.

Supporting Reasons : **The planning proposal should be supported as 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.**

Signature:



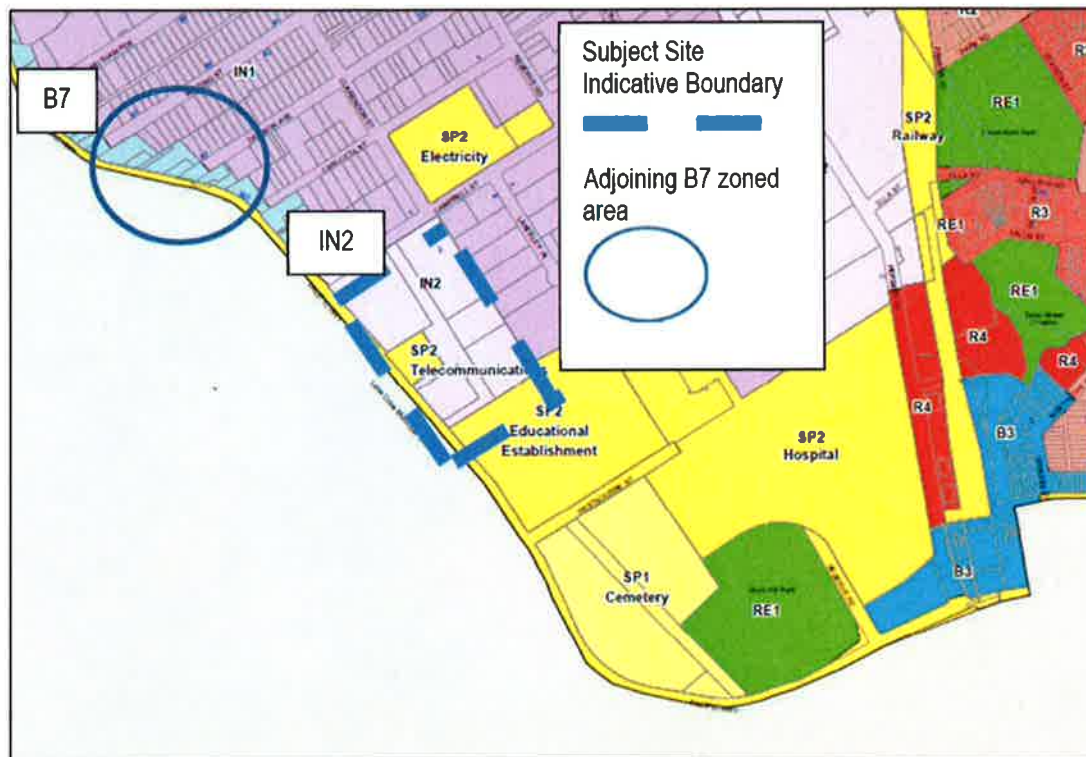
Printed Name:

Sandy Shewell

Date:

16. 4. 14

Figure 2 - Extract from 2012 WLEP



Source: Willoughby City Council Draft LEP 2012

