

## Planning, Place and Design

IRF20/917

### Plan finalisation report

DEPARTMENT REFERENCE	PP_2016_RYDEC_002_00
LGA	Ryde
LEP TO BE AMENDED	Ryde Local Environmental Plan 2014
PROPOSAL	Rezoning of site from IN2 Light Industrial to B4 Mixed Use (383 homes, 96 jobs)
ADDRESS	2-12 and 14 Tennyson Road, Gladesville
DESCRIPTION	Lot 2 DP 549570 Lot 1 DP 549570

#### 1. SITE DESCRIPTION

The planning proposal applies to land at 2-12 and 14 Tennyson Road, Gladesville.

The site is located within 100m of Victoria Road and 400m from the Gladesville Town Centre, the nearest local centre. To the north-east of the site is the Glade View Business Park, comprising a range of commercial and light industrial uses of approximately four storeys and subject to a 10m height limit. Surrounding the majority of the site (to the east, south and west) is a low density residential area subject to a 9.5m height limit (**Figure 1**).

As shown in **Figure 1**, the overall site forms part of the Gladesville Industrial Area (approx. 24 ha) which is the largest industrial precinct in the Ryde local government area (LGA).



Figure 1: Local Context Map

The site has a total area of approximately 2.38 ha and is comprised of two lots: 2-12 Tennyson Road (referred to as Site A); and 14 Tennyson Road (referred to as Site B) (**Figure 2**).

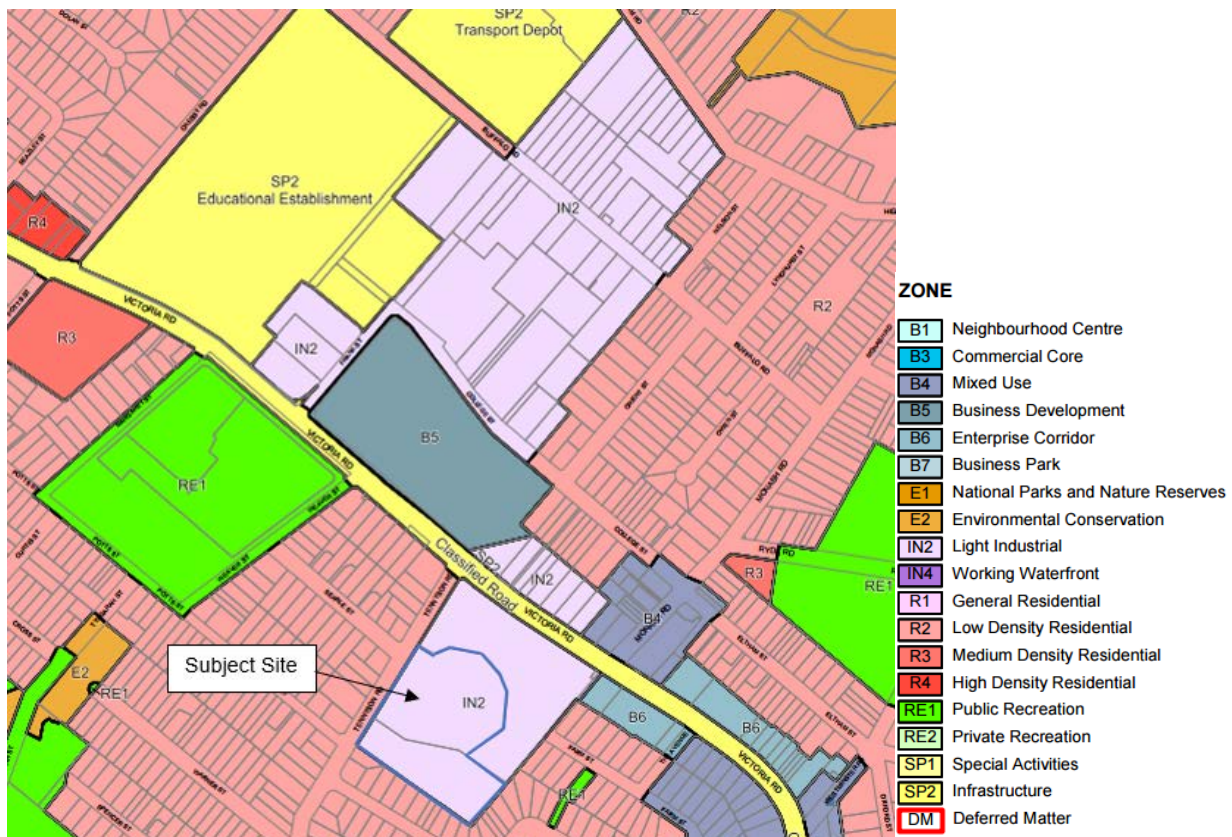
Site A is a former quarry and has topography that falls 5-15m towards the centre of the site, whereas Site B slopes from north to south along Tennyson Road.



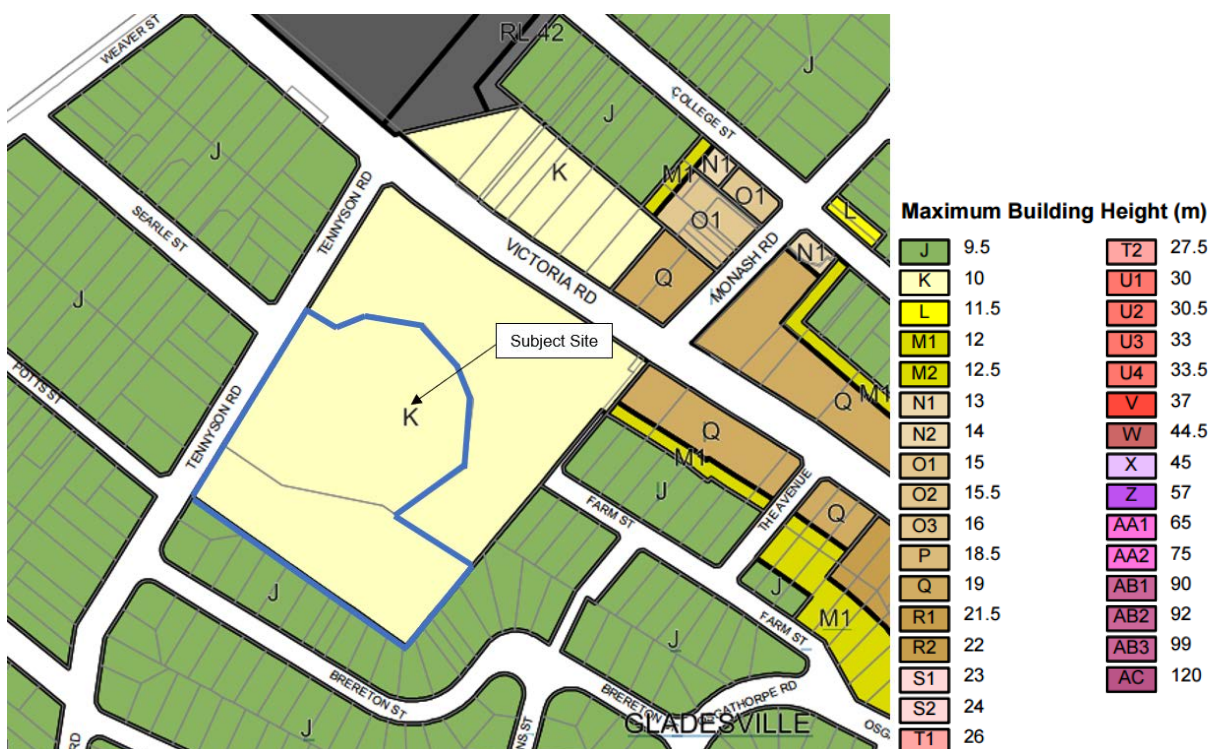
**Figure 2:** Site Location Map (with subject site highlighted in yellow)



The site is currently zoned IN2 Light Industrial under *Ryde Local Environmental Plan 2014*, with a maximum permitted building height of 10m and a maximum permitted floor space ratio of 1:1 (**Figures 3, 4 and 5**). The site is currently used for warehousing and light industrial purposes.

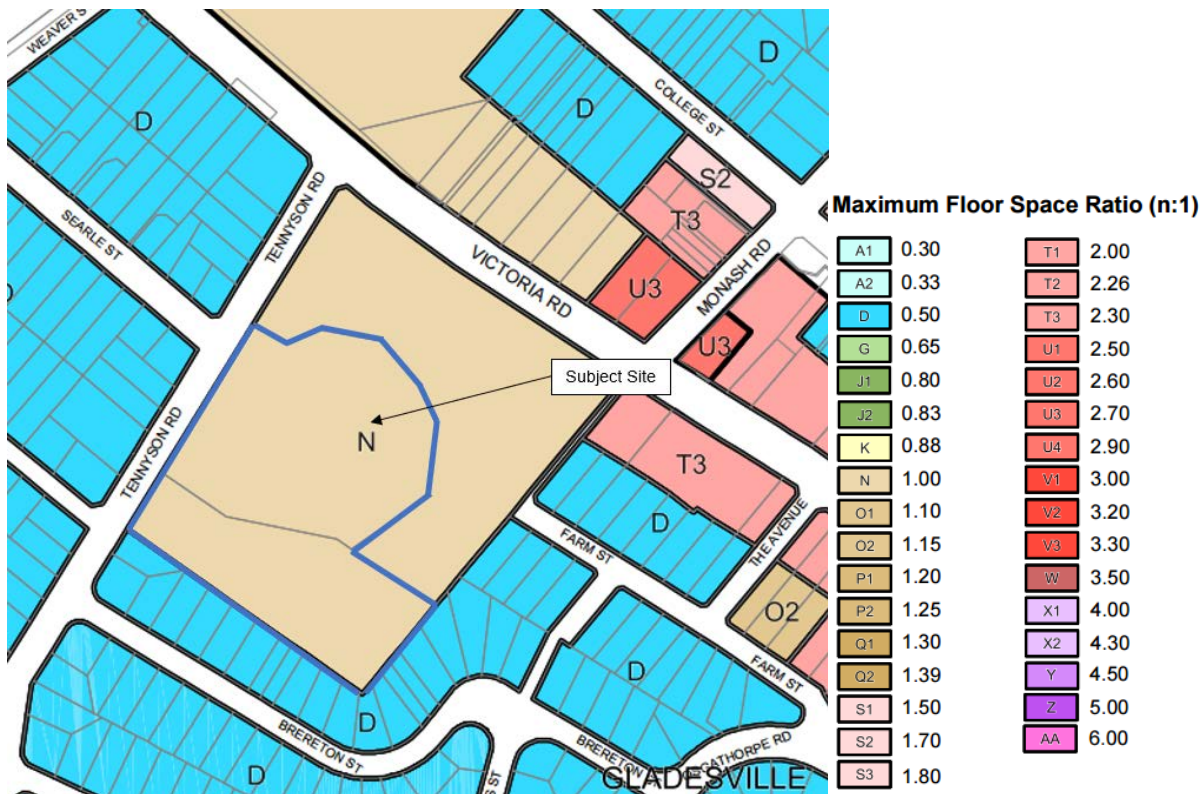


**Figure 3:** Ryde LEP 2012 Land Zoning Map



**Figure 4:** Ryde LEP 2012 Height of Buildings Map





**Figure 5:** Ryde LEP 2012 Floor Space Ratio Map

## 2. PURPOSE OF PLAN

The planning proposal seeks to amend Ryde Local Environmental Plan (LEP) 2014 by:

- rezoning the site from IN2 Light Industrial to B4 Mixed Use;
- increasing the maximum floor space ratio (FSR) from 1:1 to part 1.85:1 and part 1:1; and
- increasing the maximum permitted building height from 10m (approx. 3 storeys) to part RL23.07m (approx. 3 storeys) and part RL66.6m (approx. 5-6 storeys).

The proposal is supported by a concept for a mixed-use development comprising 383 dwellings and 1,894m<sup>2</sup> of commercial floor area with 723 parking spaces (**Figures 6 and 7**). A copy of the planning proposal with supporting documents is provided at **Attachment A**.



**Figure 6:** Proposed concept aerial view from the North East (Source: Urban Design Report Grimshaw, January 2017)



**Figure 7:** Proposed ground floor and public realm plan (Source: Urban Design Report Grimshaw, January 2017)

### 3. PRE-GATEWAY REVIEW

On 25 February 2014, Council resolved not to support the planning proposal. Subsequently, the proponent lodged a pre-Gateway review request on 11 March 2014.

On 11 September 2014, the proposal was referred to the then Sydney East Joint Regional Planning Panel (the Panel) for Pre-Gateway Review. The planning proposal referred to the Panel sought to:

- rezone the site from IN2 Light Industrial to B4 Mixed Use;
- increase the maximum permitted FSR from 1:1 to part 2.5:1 and part 1.5:1; and
- increase the maximum permitted building height from 10m to variable heights ranging from 12.5m to 37m.

The Panel unanimously agreed that the planning proposal for 2-14 Tennyson Road, Gladesville should proceed subject to conditions. The key reasons for the Panel's decision were that the proposal may increase the number of jobs on the site and that it is well located in relation to the planned public transport corridor along Victoria Road.

The Panel gave its recommendation subject to conditions, which aimed to ensure the bulk and height of the development is compatible with surrounding development and that the planned increase in jobs on the site was realised.

The Panel recommended:

- the FSR over the total site (i.e. the two sites together) does not exceed 2:1;
- a minimum of 20% of the total floor space allowed on the site shall be devoted to employment generating uses; and
- the exhibition material shall include a detailed survey of the site to determine the existing ground level, pursuant to the standard template LEP, so that the appropriate building height can be determined.

#### **4. GATEWAY DETERMINATION AND ALTERATIONS**

On 28 November 2014, Council resolved not to be the planning proposal authority (PPA) for the proposal. The Department commissioned Smith and Tzannes Architects to undertake an urban design analysis and feasibility analysis for the site to address Council's concerns and ascertain appropriate floor space ratios for the site. This analysis informed the Gateway conditions.

On 2 December 2015, the Department requested Council reconsider the role of PPA based on the independent analysis commissioned by the Department. Council accepted the role of PPA on 16 January 2016.

The Gateway determination was issued on 21 April 2016 (**Attachment B**) allowing the planning proposal to proceed subject to conditions. Amongst the conditions of the Gateway, the planning proposal was required to be updated to:

- apply a maximum floor space ratio of 1.5:1 across the whole site;
- amend the maximum building height in metres to be consistent with 5-6 storeys and create a 2-3 storey transition to the adjoining low density residential area; and
- address the inconsistency with Section 9.1 Direction 1.1 Business and Industrial Zones.

The proposal's consistency with Section 9.1 Direction 1.1 Business and Industrial Zones remains unresolved to date.

On 11 May 2017, a Gateway alteration was issued at the request of Council to amend the planning proposal in response to detailed design by the proponent. The alteration aimed to improve amenity to lower level apartments, while maintaining the same dwelling yield and suitable transition to the low density surrounding areas. The Gateway alteration required the planning proposal to be revised to:

- apply a maximum FSR of 1.85:1 at 2-12 Tennyson Road (Site A) and 1:1 at 14 Tennyson Road (Site B); and
- apply a maximum building height of RL 66.6 at 2-12 Tennyson Road (Site A) and RL 50.04 at 14 Tennyson Road (Site B).

The alteration also extended the timeframe to complete the LEP by 13 months to 11 May 2017.

The Gateway determination was also altered on 23 May 2018 to extend the timeframe to complete the LEP to 29 October 2018.



## 5. PUBLIC EXHIBITION

In accordance with the Gateway determination, Council publicly exhibited the proposal from 25 July 2017 to 29 September 2017.

Council received a total of 559 submissions from the community during the exhibition period, including 81 individual letters and 478 form letters. All the form letters objected to the proposal. Of the non-form letter submissions, 75 (93%) objected to the proposal and 6 (7%) supported the proposal. The key issues raised were:

1. traffic (83%);
2. amenity impacts (47%);
3. building height (44%);
4. scale and density (26%)
5. parking (19%);

These key issues and Council's response are discussed in further detail in Section 10.3. **Attachment C** provides a summary of Council's response to the submissions.

## 6. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult with the following agencies in accordance with the Gateway determination:

- Department of Education and Communities;
- Ausgrid;
- Office of Environment and Heritage;
- Transport for NSW (TfNSW);
- Roads and Maritime Services (RMS); and
- Sydney Water.

The submissions from public agencies are summarised in **Table 1** below.

Table 1: State agency submissions

Agency	Comment
Roads and Maritime Services (RMS)	<ul style="list-style-type: none"><li>• Did not object to the proposal, however requested further analysis be undertaken to address concerns.</li><li>• RMS stated and requested that:<ul style="list-style-type: none"><li>○ traffic generation has been underestimated as the site is only serviced by buses and that modelling should be based on areas with similar low levels of bus availability</li><li>○ transport modelling to be reviewed to take into consideration:<ul style="list-style-type: none"><li>– impacts of 'fourth leg' at Tennyson Road and Victoria Road intersection;</li><li>– intersection improvements required due to increased pedestrian demand;</li><li>– clarification of traffic count data; and</li></ul></li><li>○ the traffic signal length to be updated from 145 seconds to 106 seconds.</li></ul></li></ul>

Agency	Comment
<b>Transport for NSW</b>	<ul style="list-style-type: none"> <li>• Stated that traffic generation was underestimated as the proposal assumed higher levels of public transport accessibility than currently available.</li> <li>• Requested the transport modelling be re-run to understand the potential impacts on traffic and bus operations on Victoria Road.</li> <li>• Stated that traffic assessment did not sufficiently assess active transport trip generation (i.e. walking and cycling).</li> </ul>
<b>Department of Education and Communities</b>	<ul style="list-style-type: none"> <li>• Advised that the proposal was not included in enrolment growth projections.</li> <li>• Stated that the proposal would likely generate the need for an additional class room at Gladesville Public School.</li> </ul>
<b>Ausgrid</b>	<ul style="list-style-type: none"> <li>• Advised that there was no limitation to supply of electricity to site</li> <li>• Sought confirmation if an on-site substation would be required for the proposal.</li> </ul>
<b>Office of Environment and Heritage</b>	<ul style="list-style-type: none"> <li>• Did not wish to provide comments.</li> </ul>

The issues relating to traffic and transport remain unresolved, given that following exhibition the proposal was not amended to address these submissions.

## 7. COUNCIL RESOLUTION

At its meeting on 14 August 2018, Council considered a report on the public exhibition of the planning proposal that recommended not to support the proposal proceeding to an LEP amendment. Council adopted this recommendation and resolved unanimously not to proceed with the proposal. Key reasons for not proceeding include:

- inconsistency with the Greater Sydney Region Plan and the North District Plan;
- inconsistency with Council's Local Planning Strategy;
- inconsistency with Section 9.1 Direction - 1.1 Business and Industrial Zones;
- the scale, height and density are not compatible with surrounding low density residential land;
- the proposal will result in unacceptable traffic and transport impacts; and
- the owner of 14 Tennyson Road, Gladesville objects to the proposal.

A copy of the Council resolution is provided as **Attachment D**.

## 8. PROPONENT'S POSITION

Following Council's resolution not to proceed, Ethos Urban, on behalf of the proponent, wrote to the Department on 9 October 2018 to respond to Council's reasons for not proceeding. The proponent's response is provided as **Attachment E** and is discussed further in Section 10 below.



## 9. DEPARTMENT'S ASSESSMENT

The proposal has been subject to a detailed review and assessment through the Department's former Pre-Gateway Review process and subsequent planning proposal process. It has also been subject to a high level of public consultation and engagement including an extended exhibition period.

### 9.1. Strategic Merit

#### Section 9.1 - Direction 1.1 Business and Industrial Zones

Under this Direction, a proposal must retain the areas and locations of existing businesses and industrial zones and not reduce the total potential floor space for employment uses in business and industrial zones. The proposal is inconsistent with this Direction as it:

- does not retain the areas and locations of existing business and industrial zones;
- reduces the total potential floor space area for industrial uses in industrial zones; and
- is not supported by a Government-endorsed strategy.

This Direction states that a proposal may be inconsistent with the Direction if the planning proposal authority can satisfy the Secretary of the Department that the inconsistency is:

- justified by a Strategy approved by the Secretary of the Department; or
- justified by a study prepared in support of the planning proposal; or
- is in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department; or
- is of minor significance.

It is noted that Council, as the planning proposal authority, does not consider the inconsistency to be justified, nor has it sought to justify the inconsistency in accordance with the terms of the Direction.

In relation to the above options, there is no Strategy approved by the Secretary that supports the rezoning of the site from industrial to mixed use. The North District Plan does not justify the inconsistency as discussed below. Furthermore, the loss of industrial land is not considered to be of minor significance.

The proposal is supported by an Economic Impact Assessment to address the inconsistency. This states that the proposal seeks to provide for 96 jobs, which would be an increase of 23 jobs from the current industrial use, however the type of jobs would be changed from manufacturing to business and retail jobs. Despite the increase in job numbers, the proponent's Economic Impact Assessment identified that the annual local gross regional product (GRP) will decrease for the site from \$10.1 million to \$7.8 million per annum, due to the change in job types.

This decline in productivity illustrates the economic value of urban services jobs in the Ryde LGA (which is reiterated by the North District Plan) and demonstrates that the number of jobs for a site should not be the primary objective, rather a mix of economic outcomes that support the city and population.

In addition, the Ryde Local Planning Strategy (2010) includes a key action to retain the existing industrial zones in both West Ryde and Gladesville as these industrial areas were considered vital to providing local urban services. Although Council has not

sought endorsement of the Strategy as required by the section 9.1 Direction, the proposal's inconsistency is considered relevant.

The proposal's Economic Impact Assessment argues that the site is currently under-utilised, provides a low employment density, is surplus and does not play a significant role in employment generation in the area. The proposal provided further justification for rezoning the site including:

- proposal does not result in loss of employment land (as it will be zoned mixed-use);
- the site is isolated from the industrial area to the north of Victoria Road;
- due to site constraints the site is unlikely to be redeveloped for traditional industrial uses;
- more flexible mixed-use zoning allows for more intensive employment uses;
- the residential component of proposal would generate additional demand for retail and business services and would support viability of Gladesville local centre; and
- there would be economic benefits during construction.

The Department does not support all the proponent's reasons for justifying the change in land use as:

- the land is not isolated as the adjoining site at the corner of Tennyson and Victoria Road would remain as industrial zoned land;
- while there is job growth, this is not economically more beneficial to the community as the proposal would result in a decline in productivity;
- the mixed use zoning is better placed in recognised centres such as the Gladesville Town Centre, where a conglomerate of uses and services is better accommodated and centred on well connected public transport services;
- the economic benefits of job creation for construction is only short lived; and
- this land use change predicates the outcomes of Council's work to undertake a fuller review of their employment lands (see Draft Local Strategic Planning Statement below).

Added to this it is noted that the Panel recommended in 2014 that a minimum of 20 percent of the total floor space allowed on the site be devoted to employment generating uses.

In summary the proposal does not sufficiently justify how it will protect employment land as it will result in a loss of industrial land, a loss in local GRP for the site and provides uncertainty as to whether the proposed jobs will actually be delivered as there is no minimum non-residential FSR for the site.

### Greater Sydney Region Plan

The Greater Sydney Region Plan provides a 40-year vision and 20-year plan aiming to manage the growth and change of greater Sydney in the context of social, economic and environmental matters. Objective 23 of the Greater Sydney Region Plan focuses on retention and management of existing industrial and urban services land to ensure it is safeguarded from competing pressures, especially residential and mixed-use zones. The proposal is not in accordance with this objective as the proposal results in the loss of industrial and urban services land. This objective is reiterated and further addressed in the North District Plan as outlined below.



## North District Plan

In March 2018, the Greater Sydney Commission (GSC) endorsed the North District Plan. The plan contains specific priorities aimed at guiding the liveability, productivity and sustainability of the district.

The following actions and priorities of the North District Plan are relevant to the proposal:

### ***N5: Providing housing supply, choice and affordability, with access to jobs, services and public transport***

Objective 10 of the plan promotes the delivery of housing supply. The proposal provides for 383 new dwellings. However, based on current dwelling projections provided by Council, the Ryde LGA is set to exceed its 2016 to 2021 housing target of 7,600 by 5,400 dwellings.

As such, the additional dwellings facilitated by the proposal are not required for Council meet this short-term dwelling target. Council is preparing 6 to 10 year dwelling targets and contemplating housing supply until 2036, but the outcomes and recommendations of this work are unknown at this stage to demonstrate whether the subject site would be appropriate in this context.

Whilst housing supply is important, it does not provide justification for the proposal in the current context and it is expected that future support for new housing would be first considered in existing centres before sites such as this would be considered.

In May 2018, following advice from the GSC, the Minister endorsed a moratorium on all new residential planning proposals in the Ryde LGA. It is noted that the moratorium does not apply to this matter as the proposal it is not a new planning proposal and a Gateway Determination was issued in 2016.

### ***N11: Retaining and managing industrial and urban services land***

The proposal seeks to rezone 2.37ha of land from IN2 Light Industrial to B4 Mixed Use. The Ryde LGA includes 35.32ha of IN2 Light Industrial land, so the proposal represents a loss of 6.7% of IN2 zoned land in the LGA.

The North District has the lowest level of industrial and urban services land in Greater Sydney. These lands are critical for the function of the Greater Sydney area and its economy. Due to increased pressure on industrial lands, limited supply and inability to increase the industrial land supply within the North District, there are limited locations for the existing industrial business to relocate within the North District. The District Plan states that industrial and urban services land need to be safe-guarded and efficiently managed.

In 2018, the GSC issued an Information Note (SP2018-1) for the *Transitional Arrangements for Industrial and Urban Services Land* identified as 'retain and manage'. All industrial areas in Ryde LGA are subject to the 'retain and manage' approach. The Information Note states that if the proposal was lodged before the adoption of the District Plans and has been considered by an independent panel and recommended to proceed to Gateway, it may proceed to plan finalisation. The proposal was considered by the Sydney Region East JRPP in September 2014 and a Gateway Determination was issued on 21 April 2016.

At the time when the original proposal was submitted in 2013, the North District Plan did not exist so an assessment against this plan was not undertaken. However, the exhibited proposal did undertake an assessment against the relevant strategic planning documents at the time. The assessment contained within the planning proposal concluded that the current industrial use of the site is no longer strategically important. However, as outlined in relation to section 9.1 Directions (Direction 1.1 - Business and Industrial Zones), the Department does not support the justification provided in the planning proposal.

Whilst the Information Note does not preclude the rezoning of industrial sites where a planning proposal precedes the District Plan, the proposal is not in accordance with Objective N11 of the North District Plan and does not provide adequate evidence to justify the inconsistency.

### ***N12: Delivering integrated land use and transport planning and a 30-minute city.***

The plan requires that housing supply be coordinated to optimise existing infrastructure and maximise investment in new infrastructure. Future Transport 2056 identifies Victoria Road public transport improvements in the 10-year strategy of committed initiatives. However, to date, there are no further details on what those improvements may entail or where there will be located. Due to the lack of detail surrounding these improvements, they do not provide adequate justification to support the proposal proceeding. The proponent's letter to the Department (**Attachment E**) in October 2018 does acknowledge improvements to Victoria Road corridor as part of the Future Transport, however specific details on how it relates to the site are not provided.

### **Draft Local Strategic Planning Statement**

Councils across NSW are developing their Local Strategic Planning Statements (LSPS), which will set out a 20 year land use framework for their areas to help identify ways to manage growth and change into the future.

In consultation with their communities and relevant state agencies Councils are determining the priorities for their area to inform preparation of these LSPSs. They are also to be informed by and be consistent with other applicable strategic plans prepared by the NSW Government, which in the case of this planning proposal is the Greater Sydney Region Plan and North District Plan.

Ryde Council has prepared its draft LSPS to respond to and reflect these joint aspirations, and to identify where further strategic planning effort may be needed to support new or amended planning controls and policies, including amendments to Ryde LEP 2014.

The Draft LSPS is expected to be approved by the Greater Sydney Commission and in place by 31 March 2020. Proposed amendments to Ryde LEP 2014 are required to give effect to the directions set by the LSPS.

Relevant to the site and the subject proposal the draft LSPS seeks to:

*Ensure the Ryde LGA is well-designed and planned to encourage new investment, local jobs and business opportunities in an environment of innovation, progression and economic growth. With this approach, more people will have the option to live and work in the Ryde LGA.*

The LSPS also seeks to stimulate economic growth and local jobs by providing opportunities for a range of businesses and protecting employment lands. To achieve this Council will undertake the following actions:

*EM3.1 Council will update its review process so that planning proposals that seek to rezone employment land to non-employment land will not proceed until the review of existing employment land capacity and demand analysis has been completed*

*EM3.2 Expand the permissible land uses in centres to encourage the growth of local business, the new economy and creative enterprise*

*EM3.3 Review land use provisions so that zoning facilitates business attraction.*



These proposed actions are yet to be implemented by Council, but also reflect the expected precautionary approach supported and reflected in both Greater Sydney Region Plan and the North District Plan.

The proposal to rezone the subject site from employment would then proceed ahead of the Council's intention to review the capacity and capability for this and other employment lands in the Ryde LGA to best understand how this land could best serve the local community in both providing services and job opportunities. Therefore, the need for this land needs to be established

## 9.2. Site Specific Merit

### Traffic

Submissions from TfNSW and RMS raised concerns regarding the transport modelling. In particular, the proposal had potentially underestimated the traffic impacts as it assumed a higher level of public transport availability than is currently available. This has implications for assessing the impacts on Victoria Road, Victoria Road/Tennyson Road intersection and any potential infrastructure upgrades required.

Council commissioned Bitzios Pty Ltd to undertake a peer review of the proponent's Traffic Impact Assessment and came to similar conclusions to TfNSW and RMS. Council's post exhibition report formed the view that the proposal will significantly contribute to traffic congestion and will reach unacceptable levels of service unless Victoria Road is widened or upgraded.

It is also noted that traffic congestion was a key issue raised in public submissions with 83% of the submissions raising this issue. Concerns related to the exacerbation of traffic given the recently approved developments including Bunnings and child care centres nearby, the current inadequate provision of public transport to service existing development and on-street parking impacts.

In the proponent's response to the Council resolution (**Attachment E**) indicated they intend to engage with RMS and TfNSW to confirm the transport modelling assumptions and resolve the issues raised. The Department notes that these issues currently remain unresolved.

### Land ownership

As discussed in Section 2 of this report, ownership of the site is split between two landowners (see **Figure 1**). Site A is owned by the proponent and Site B is owned by Latham & Co. The owner of Site B, located at 14 Tennyson Road, objected to the proposal and requested that their site be exempt from the proposal. Site B forms 39% of the total site area.

Latham & Co raised several concerns in its submission including that the proposal was submitted without its consent or consultation and that the proposal assumes the two sites will be developed together. Latham & Co also raised concerns that the proposed FSR and height controls disadvantage their site.

In relation to landowners' consent, the Department notes that under the *Environmental Planning & Assessment Act 1979*, landowners' consent is not required to prepare and proceed with a planning proposal.

The proposal's Urban Design Report (**Attachment A**) proposes to develop an amalgamation of both Sites A and B to optimise density and efficiency. Considering the objection from Site B, the Department considers this a key matter for consideration and raises a number of questions that need to be considered as part of the assessment including:

- whether the proposed development concept can be fully realised with only Site A, including the delivery of projected jobs;
- whether the proposal requires significant modification if Site B is to be excluded;
- the impacts if Site B is excluded from the proposal and retained for industrial use; and
- the implications of the resulting isolated pocket of industrial land if Site B is excluded from the proposal.

As Council did not submit a revised proposal following exhibition, the above issues (particularly the potential exclusion and isolation of Site B as an industrial site), have not been addressed to date. Whilst it may be possible to develop separately, it has not been clearly demonstrated in the existing proposal. The proponent's submission to the Department in October 2018 indicated that the objection from Site B stems from commercial reasons and should therefore not preclude the progression of the proposal.

Even if the objection relates to commerciality, this does not address this Department's concerns regarding the ability of the proposal to be fully realised if only 61% of the site is proposed to be developed, or if Site A and Site B are not developed together. This may lead to an undesirable urban design outcome and would potentially lead to an isolated parcel (Site B) of industrial land surrounded by residential uses.

There are also questions raised if the estimated job numbers could be actually realised with only part of the site developed, as this was one of the key reasons in the proposal for justifying the rezoning of industrial land.

In summary, the Department considers that the current proposal has not adequately addressed the objection from Site B and demonstrated how Site A and Site B could be developed separately. The Department considers this a key reason in forming the view that the planning proposal should not to progress.

From the submissions received, the existing industrial uses on the site seem to have been generally accepted by the community as part of the character of the local area. There were no submissions objecting to the existing industrial uses.

#### Amenity and built form

Another key issue raised by the community was the loss of amenity, which was raised in 47% of submissions. In particular issue was raised about the proposal being out of scale with the surrounding lower density residential areas, overshadowing and privacy impacts on adjoining development. The proposed building height was also a key issue raised in 44% of submissions.

Council's post exhibition report concluded that the reduction in height from the original proposal was not sufficient to overcome privacy concerns raised by the community. Council considers that these issues are unlikely to be resolved at the development application stage without undesirable design outcomes.

As previously identified, the Department engaged a consultant to undertake an urban design and feasibility analysis prior to the Gateway determination to ascertain the appropriate scale and bulk of the proposal to inform the conditions. The proposed heights have been reduced from the original concept and the planning proposal now proposes heights ranging from RL23.07 (approx. 3 storeys) to RL66.6 (approx. 5-6 storeys).

The heights transition across the site with the tallest heights located adjacent to the commercial uses on Victoria Road, and following the slope of the land south along Tennyson Road, with 2-3 storeys adjacent to the low density residential area. The transition in heights provides an appropriate interface to the adjacent low density residential areas. In



addition, the topography of the site allows the impact of the built form to the surrounding area to be reduced.

One of the key concerns raised is overshadowing on low density residential areas on private open space and associated privacy concerns. In terms of overshadowing of areas to the south, the existing industrial building located at 14 Tennyson Road overshadows private open space in these residential areas to the south as shown in **Figure 8**.

Due to the proposed setback and height, the overshadowing impacts beyond the proposal boundary will remain similar to that of the existing impacts from the industrial building (see **Figure 8**). The proponent confirmed that the scale and siting of the proposed built form on Site B was based on no increase to the level of overshadowing currently experienced in the private open space areas of adjoining properties to the south. This objective informed the widened building setback of 9m from the southern boundary.

While the Department believes that the proposal could result in a suitable urban design outcome for the site based on the initial urban design and feasibility analysis, this does not outweigh the proposal's lack of strategic merit due to the loss of employment land and potential detrimental traffic implications of the development.



**Figure 8:** Proposed overshadowing (Source: Urban Design Report Grimshaw, January 2017)

## 10. PARLIAMENTARY COUNSEL OPINION

A Parliamentary Opinion was not obtained as the plan is not recommended to proceed.

## 11. MAPPING

Draft mapping was not obtained as the plan is not recommended to proceed.

## 12. RECOMMENDATION

Based on the above assessment it is recommended that the planning proposal not proceed because it does not demonstrate strategic merit including:

- the proposal is inconsistent with section 9.1 Direction 1.1 Business and Industrial Zones as it does not retain the existing industrial zone, reduces the floor space area for industrial uses and is not supported by a Government-endorsed strategy. The loss of industrial land is not considered minor and the proponent has not provided sufficient justification to support the loss of industrial land or provided certainty on how jobs will be retained on site, particularly given that this proposal proceeds the Council's intention to undertake employment land use studies for its area as identified in its LSPS;

- the proposal is not in accordance with the actions and priorities in the North District Plan, noting that the North District has the lowest level of industrial and urban services land in Greater Sydney and is under increased pressure. The proposal does not provide adequate evidence to justify the inconsistency despite this proposal preceding the release of the District Plan;
- traffic and transport issues relating to transport modelling and raised by TfNSW, RMS and Council remain unresolved;
- the objection by the landowner of Site B including their request to be excluded from the proposal has not been adequately addressed. In this regard, the proposal has not demonstrated:
  - if the proposed development concept could be fully realised with only part of the site;
  - if part of the site is exempt, then have the impacts on Site B been assessed; and
  - the implications of the resulting isolated pocket of industrial land if Site B is exempt from the proposal.

It is considered that this may lead to an undesirable urban design and land use outcome and how parts of the site could be developed independently has not been adequately addressed.

### 13. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Lane Cove State Electorate. The Hon Anthony Roberts, Minister for Planning is the State Member for Lane Cove. As the Local State Member, Minister Roberts wrote to Council on 14 September 2018, during the public exhibition period of the planning proposal, to raise his concerns about the impacts of the density associated with the proposal, the potential traffic impacts and its impacts on the character of the local area.

The site falls within the Bennelong Federal Electorate. The Hon John Alexander MP is the Federal Member for Bennelong. To the Department's knowledge, the Hon John Alexander MP has not made any written representations regarding the proposal.

**NSW Government Lobbyist Code of Conduct:** There have been no meetings or communications with registered lobbyists with respect to this proposal.

**NSW Government reportable political donation:** There are no donations or gifts to disclose and a political donation disclosure is not required.

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*Noted BW 12/3/20*

**ATTACHMENTS**

- A** – Planning Proposal and supporting documents
- B** – Gateway Determination (altered)
- C** – Council Post-Exhibition Report
- D** – Council Resolution
- E** – Proponent's letter to Department following Council Resolution