



Ms Debra Just
General Manager
Willoughby City Council
PO Box 57
Chatswood NSW 2057

Our ref: PP_2016_WILLO_003_00 (16/14184)

Attention: Jane Hosie, Strategic Planner

Dear Ms Just

Planning proposal to amend Willoughby Local Environmental Plan 2012

I am writing in response to your Council's letter dated 21 October 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 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, amend the FSR from 1:1 to 3.5:1 subject to a site cover of 60 per cent and include 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.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet

these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Coby Tomlins of the Department's regional office to assist you. Ms Tomlins can be contacted on (02) 9274 6438.

Yours sincerely


Karen Armstrong 30/11/16
Director, Sydney Region East
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_WILLO_003_00): 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).

I, the Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Willoughby Local Environmental Plan (Willoughby LEP) 2012 to rezone 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, amend the FSR from 1:1 to 3.5:1 subject to a site cover of 60 per cent and include 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, should 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:
- 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.

Dated 30TH day of NOVEMBER 2016



Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Willoughby City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_WILLO_003_00	Planning proposal 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).

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *30TH NOVEMBER* 2016


Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_WILLO_003_00
Date Sent to DoP&E under s56	21 October 2016
Date considered at LEP Review Panel	N/A
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: