



REQUEST TO PREPARE A PLANNING PROPOSAL

AMENDMENT TO WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 SO AS TO REZONE LOT 5 TO B7 BUSINESS PARK

GORE HILL TECHNOLOGY BUSINESS PARK

VOLUME 1

**Prepared for
Lindsay Bennelong Developments Pty Ltd**

**By
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1. INTRODUCTION

This report has been prepared to accompany a request from Lindsay Bennelong Developments Pty Ltd (“LBD”) to rezone Lot 5 in DP 270714 from IN2 Light Industrial to B7 Business Park. A concurrent request has been considered by Council to rezone Lots 5 and 6 to B7 Business Park. The background to the concurrent Planning Proposal is provided below.

1.1 Initial Request for a Planning Proposal

The Gore Hill Technology Business Park is the subject of a development consent (DA 2008/42) granted by Willoughby City Council in 2008 for a mixed-use technology business park comprising high-technology industry, motor showroom/ workshops, community facilities and ancillary retail use. It comprises Lots 1-6 in DP 270714 (“the site”).

A request to amend Willoughby LEP 2012 and to prepare a Planning Proposal was lodged by Lindsay Bennelong Developments Pty Ltd (“LBD”) on 24 August 2012 (“the original request”). LBD requested:-

- that “office premises” be made a permissible use on Lots 5 and 6 (both of these lots are adjacent to the Pacific Highway);
- that the 46,132m² of GFA be permitted on Lot 6, equating to an FSR of 3.7:1 on that lot, notwithstanding the FSR limit of 1.5:1 which applies to the Gore Hill Technology Business Park as a whole (representing an increase of 6,535m² of GFA on Lot 6, compared to what is already approved);
- that the amount of parking permitted on the site be increased to accommodate the increased demand on a weekend from the additional netball courts in the relocated sports complex; and
- that the boundary line between “RL 122 metres AHD” and “RL 132 metres” height limits on Lot 6 be shifted 9.0 metres to the west.

Additionally, LBD requested that other aspects of Willoughby LEP 2012 be amended for the following reasons:-

- the limit on the maximum area of a neighbourhood shop (i.e. 80m²) is unnecessarily restrictive and contrary to what has already been approved on Lot 6;
- the inability to seek a variation to the height limits which apply to Lot 6 is unreasonably restrictive; and
- references in Willoughby LEP 2012 to superseded lot and DP numbers need to be changed to reflect the existing real property description of Gore Hill Technology Business Park.

To assist Willoughby City Council in its consideration of LBD’s original request for a Planning Proposal, concept plans were prepared by Leffler Simes Architects for a new multi-court sports facility on Lot 3 and for the additional car parking and a new Building D on Lot 6. The concept plans included:-

- floor plans, a section and perspectives for the multi-court sports facility; and
- floor plans and sections for Building D.

In its original request for a Planning Proposal, LBD acknowledged that an amendment was required to the Voluntary Planning Agreement (VPA) applying to the whole site and that a new VPA was required between Council and LBD in relation to Lot 3 and Lot 6 (relating to the changes to the sports centre on Lot 3).

Council considered LBD's original request on 10 December 2012 and resolved that:-

"1. For the Gore Hill Technology Park site at 219-247 Pacific Highway, Artarmon, Council support in principle:

- The Planning Proposal (as amended by this report);*
- The proposed amendments to draft Willoughby Local Environmental Plan 2012;*
- The amendment of the existing Voluntary Planning Agreement for the site and;*
- The preparation of a new Voluntary Planning Agreement for lot 6 subject to the satisfactory resolution of the outstanding planning issues of height, traffic and parking for lots 6 and 3 on the site, as outlined in the report.*

2. A report be presented to Council in early 2013 with advice on:

(i) the outstanding planning issues to be resolved concerning height, parking and traffic;

(ii) the final planning proposal and draft WLEP 2012 amendments to be supported by Council for reference to the Department of Planning and Infrastructure for public exhibition;

(ii) the proposed content of the two Voluntary Planning Agreements to be exhibited with the Planning Proposal as discussed in this report."

Following the above resolution by Council, LBD and Council officers continued to negotiate the terms of the new VPA and in May 2013, as a result of the negotiations, LBD proposed that the new sports centre be built on Lot 6 instead of on Lot 3. This was to allow a data centre (similar to the ASX centre on Lot 4), to be built on Lot 3.

1.2 Amended Request for a Planning Proposal

LBD's amended request to prepare a Planning Proposal was submitted to Council in November 2013. It sought the following outcomes:-

- A revised location and design for the Sports and Community Centre on Lot 6 (rather than on Lot 3) as a Stratum lot with all car parking to be provided on site.
- Lots 5 and 6 fronting the Pacific Highway to be rezoned B7- Business Park to permit "office premises";
- 8,470m² of additional floor space from the approved Development Application on Lot 6;
- 6,300m² of light industrial floor space on Lot 3 for a data centre;
- An increase in the height limit to RL 136 metres AHD for all of Lot 6; and
- An increase in the height limit to RL 120 metres AHD for all of Lot 3.

1.3 Council's Consideration of Amended Request for a Planning Proposal

An officer's assessment report on the amended request for a planning proposal was considered by Council at its meeting on 24 February 2014. The report described the final planning proposal for referral to the Gateway, as follows:-

“(a) The features of the November 2013 Planning Proposal which are recommended for Council's support to proceed to the Gateway and for public exhibition are summarised below:

On lot 6

- *A campus style large floor plate development with three buildings (each facing a street frontage) in which office premises will be permissible. The Council Sports and Community Centre will be one of the buildings.*
- *The Floor space ratio will be 3.5:1.*
- *There will be a height increase from the eastern boundary of lot 6 for 40m west (currently part RL 122 and part RL 131 under WLEP 2012) to RL 136.*

On lot 3

- *A Data Centre with 21 car parking spaces, similar to the ASX development on the adjacent lot 4.*
- *The height increase from RL 118 to RL 120 for the whole of lot 3.*

On lot 5

Permit office premises in the existing building on the site and allow additional FSR of 3.5:1 to reflect the existing building on the site.

b) Draft WLEP 2012 Amendments Required

Lot 6

- *rezone to B7 Business Park*
- *Include as a new Area 15 on the Floor Space Ratio 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 lot 6 between its eastern boundary and a north/south line 40 metres to the west.*
- *Include a new local clause in Part 6 of WLEP 2012 relating to the minimum size of floor plates for use as office premises as follows:*

(1) This clause applies to Lots 5 and 6 of DP 270714 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 1,200sqm as a minimum;*
- 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 Central Business District office precincts.

Lot 5

- Rezone to B7 Business Park
- Include on FSR map as 3.5:1 to reflect the existing building now constructed on the site.

Clause 4.6

Amend Clause 4.6 by removing subclause 8 (ca) of draft WLEP 2012 which prohibits the use of clause 4.6 to vary the height on the Gore Hill Technology Park site lots 1-6 DP 270714.”

Council resolved (on 24 February 2014) that:-

- “1. The Planning Proposal for the amendment of WLEP 2012 for lots 5 and 6 DP 270714 known as 2-4 Broadcast Way and clause 4.6, as outlined in this report be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act, 1979.
2. Draft amendments to Willoughby Development Control Plan Part 1.5 ABC Gore Hill Divestment Site Artarmon, be exhibited with the amendment to the WLEP 2012 for the Planning Proposal to reflect the changes to the WLEP 2012 relating to the site.
3. The proposed new draft VPA outlined in the Economic Director’s report be advertised concurrently with the Planning Proposal.”

1.4 Gateway Determination

The Planning Proposal was then forwarded to the Department of Planning and Infrastructure (“DP&I”) seeking a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act, 1979. The relevant delegate in the DP&I issued an approval on 8 May 2014 (see **Appendix 7**). It states:-

“I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under Section 56(2) of the EP&A Act that an amendment to the Willoughby Local Environmental Plan (LEP) 2012 to rezone land at Gore Hill Technology Park at Broadcast Way, Artarmon from IN2 Light Industrial to B7 Business Park, amend the floor space ratio to 3.5:1 and maximum building height to RL 136 and RL 120 on part of the land, include a new local provision regarding minimum size of floor plates for office premises and amend Clause 4.6 Exceptions to development standards should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the ‘explanation of provisions’ within the planning proposal to remove the draft clause regarding minimum size of floor plates for office premises

and instead provide a plain English explanation of the intention of the proposed clause. The term 'floor plate', used in the clause, is not defined and the means to achieve Council's desired outcome is to be further considered.

2. *Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning, lot size and height of buildings maps, which are at an appropriate scale and clearly identify the subject land.*
3. *Prior to undertaking public exhibition, Council is to update the planning proposal to ensure that it correctly refers to the notified Willoughby LEP 2012.*
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 a minimum of 28 days; and*
 - (b) *the relevant planning authority must comply with 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 2013).**
5. *Consultation is required with the following public authorities under Section 56(2)(d) of the EP&A Act, or organisations:
 - *Transport for NSW – Roads and Maritime Services*
 - *Broadcast Australia*
 - *Adjoining LGAs**Each public authority/organization 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.**
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 Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land)."*

1.5 Subsequent Negotiations and Council's Request for a Revised Planning Proposal

LBD and Council subsequently negotiated the terms of the VPA so that the Planning Proposal and the VPA could be exhibited together. During these negotiations Council formed the view that it no longer wanted the sports and community centre to be constructed on the Gore Hill site and that LBD should provide a monetary contribution instead, so as to allow the sports and community centre to be constructed elsewhere within the LGA.

LBD and Council officers met to discuss the Planning Proposal on several occasions. Council officers requested that an amended Planning Proposal be prepared to document the changes which have occurred as a result of the VPA negotiations. A revised report was subsequently submitted to Council.

1.6 Council's consideration of Amended Request for a Planning Proposal

An officer's assessment report on the amended request for a planning proposal was considered by Council at its meeting on 26 April 2016. The report concludes as follows:-

"In summary, the proposed amendments to Willoughby Local Environmental Plan 2012 that are supported in principle in this report include:

- *Change in the zoning of Lots 5 and 6 from IN2- Light Industrial to B7-Business Park;*
- *Increase of the maximum floor space ratio from 1.5:1 to 3.5:1 for Lot 5 subject to a maximum site cover of 60%;*
- *Increase of the maximum floor space ratio from 1.5 :1 to 4.5:1 for Lot 6 subject to a maximum site cover of 60% and a site area of 12,000sqm;*
- *inclusion of a specific clause in the WLEP 2012 in relation to Lots 5 and 6 requiring a minimum size of floor plates for use as office and business premises to be 1,200sqm and justification that there are no alternative sites in Chatswood or St Leonards; and*
- *Increase of the maximum site cover for Lots 2, 3, 4 from 45% to 60%.*

Council has previously supported the proposed rezoning of the Pacific Highway Lots 5 and 6 to B7-Business Park to permit large floor plate office premises and an increase in the applicable floor space control to 3.5:1.

An additional increase in the permissible floor space ratio for Lot 6 to 4.5:1 will further support the economic viability of the Gore Hill Technology Park. The resulting commercial advantage obtained by the applicant and the associated offsetting community benefit are the subject of a separate report."

1.7 Revised Planning Proposal solely for Lot 5

Subsequent to the meeting on 26 April 2016, Council officers requested that the Applicant provide a revised request to prepare a planning proposal which reflects the above conclusions. However, LBD is concerned that the inclusion of Lot 6 in the request to prepare a planning proposal will delay the rezoning of Lot 5 and further delay the use of the residual floor space in Building C. Therefore, LBD has decided to lodge a separate Planning Proposal in relation to Lot 5. This report fulfils the request of Council and also addresses the concerns of LBD.

2. THE REVISED PLANNING PROPOSAL

2.1 Overview

This report contains an explanation of the intended effect of, and justification for, a requested amendment to Willoughby Local Environmental Plan 2012 (“WLEP 2012”), insofar as it applies to a specified part of the Gore Hill Technology Business Park at 219-247 Pacific Highway, Artarmon which is being developed by LBD. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Gore Hill Technology Business Park is the subject of the development consent DA 2008/42 granted by Willoughby City Council in 2008 for a mixed-use technology business park comprising high-technology industry, motor showroom/ workshops, community facilities and ancillary retail use (refer to **Appendix 1**). It now comprises Lots 1-6 in DP 270714. As part of the consent, community and recreational facilities are to be provided in approved Building B on Lot 3. However, since the consent was originally granted (it became operational on 4 December 2008), Willoughby City Council has recognised that the required type and number of facilities have changed and also the locational preference for the facility has changed. In particular, there is now a significant need in the Willoughby LGA for a multi-court sports facility to be provided on a site elsewhere within the LGA.

Council would prefer LBD to provide a monetary contribution (instead of constructing the sports facility on Lot 3), to allow Council to construct the facility on another site.

Lot 5, now owned by Growthpoint, comprises a complete multi-level building (known as Building C) containing 14,500m², with basement parking for 176 cars, 56% of which is leased to Fox Sports for the purposes of television production. Levels 4 and 5 are let to organisations related to TV production and level 3 is yet to be leased.

This Planning Proposal seeks to rezone Lot 5 from IN2 Light Industrial to B7 Business Park and increase the permissible FSR to 3.5:1 to reflect FSR of the existing building. The zoning change on Lot 5 will improve the market appeal of the residual floor area and accelerate the development cycle.

LBD requests that Willoughby LEP 2012 be amended via a Planning Proposal, in the following manner:-

Lot 5

- rezone from IN2 Light Industrial to B7 Business Park;
- show as 3.5:1 on the FSR Map to reflect the FSR of the existing building now constructed on the site; and
- remove Lot 5 from “Area 6” on the Floor Space Ratio map – the building already exists so there is no need for a site coverage requirement on Lot 5.

To assist Willoughby City Council in its consideration of this revised Planning Proposal, as built plans for Building C on Lot 5 have been prepared by Leffler Simes Architects (see **Appendix 2**).

2.2 Land to which the Revised Planning Proposal applies

The Planning Proposal applies to Lot 5 in DP 270714, as identified in **Figures 1 and 2**. Lot 5 forms part of the land which is the subject of the consent to DA 2008/42 (see Section 2.1 for details).

Gore Hill Technology Business Park is located immediately north of the Northern Sydney TAFE, and forms part of the Artarmon employment precinct. Prior to its redevelopment for the purposes of a business technology park, it formerly comprised the ABC Gore Hill television studios.

A site plan showing the approved buildings, roads and landscaping in the Gore Hill Technology Business Park, is provided in **Appendix 3**. The approved Community Title subdivision plan is provided in **Appendix 4**.

The status of development on each of the six lots which comprise the Gore Hill Technology Business Park is as follows, noting, however that this revised request for a Planning Proposal does not apply to, or propose any changes to, neither the planning controls affecting nor the approved development on Lots 1, 2, 3, 4 or 6:-

- **Lot 1:** This lot contains Broadcast Way and the approved Central Park. The former is a two-way private road, open to the public. It is accessible from Campbell Street in both directions and from Pacific Highway, left-in, left-out only.
- **Lot 2:** This lot is owned by Ausgrid, has an area of 10,630m², and is presently vacant. Pursuant to the consent, this lot is to be occupied by Building A, containing 117 light industrial units with ancillary offices, and 18,180m² of GFA, with parking for 297 cars. Vehicular access, as approved, to Building A is from Campbell Street (to a car park containing 130 spaces) and from Broadcast Way to the balance of the approved spaces which are provided on each level of the approved building. No change is proposed to Lot 2/Building A as part of this Planning Proposal.
- **Lot 3:** This lot has an area of 3,840m² and is presently vacant. It is approved for community and recreational facilities (Building B) which, once built, are to be dedicated to Willoughby Council (along with the land). As approved, it would contain 79 car spaces on one basement parking level, accessed from Broadcast Way.

The approved facility, not yet built, is now considered by Council to be inadequate to accommodate the current needs of the Willoughby LGA for a multi-court sports facility capable of containing a minimum of 12 multi-use sports courts plus one full Futsal court and associated facilities.

A separate planning proposal has been lodged which will provide a mechanism for the current sporting needs of the community to be better met through a larger, more comprehensive sports facility elsewhere in the LGA. LBD, as part of the separate planning proposal, proposes to offer Council a monetary contribution to erect the multi-sports facility elsewhere in the LGA.

As a result of the changes in the separate planning proposal Lot 3 will become available for a permissible use under the IN2 Light Industrial zone, pursuant to WLEP 2012 (e.g. high-technology industrial use, etc.). No change to Lot 3 is proposed as part of this planning proposal.

- **Lot 4:** This lot of 6,692m² now owned by Securus, comprises a new 24/7 data centre (Building B1) containing a GFA of 7,562m², with associated parking for 34 cars. No change is proposed to Lot 4/Building B1 as part of this revised Planning Proposal.

- **Lot 5:** This lot of 4,212m², now owned by Growthpoint, comprises a complete multi-level building containing 14,500m², with basement parking for 176 cars, 56% of which is leased to Fox Sports for the purposes of television production. Levels 4 and 5 are let to organisations related to TV production and level 3 is yet to be leased. No change is proposed to either the approved GFA or number of parking spaces on this lot pursuant to this revised Planning Proposal. However, it is proposed that Lot 5 be rezoned from IN2 Light Industrial to B7 Business Park and that the permissible FSR be increased to 3.5:1 to reflect the FSR of the existing building. It is also requested that Lot 5 be removed from Area 6 on the FSR Map. This would mean that Lot 5 would be subject to the FSR on the FSR Map (rather than to the FSR Map and Clause 4.4A(5) of WLEP 2012).
- **Lot 6:** This lot of 12,510m² is yet to be developed. The current consent is for Building D currently comprising three structures above a common podium and basement car parking, containing 39,597m² of GFA (but which is only 36,310m² using the WLEP 2012 definition of GFA) and 470 parking spaces. It is approved for use by high-technology industry.

A separate Planning Proposal has been lodged to rezone Lot 6 from IN2 Light Industrial to B7 Business Park and to increase the permissible FSR on Lot 6 to 4.5:1. No change to Lot 6 is proposed as part of this planning proposal.

2.3 Existing Planning Controls

2.3.1 Zoning and Permissible Uses

The site to which the revised Planning Proposal relates is currently zoned IN2 Light Industrial pursuant to the provisions of WLEP 2012 (see **Figure 3**).

In the IN2 Light Industrial zone, “office premises” are prohibited.

This Planning Proposal seeks to rezone Lot 5 to B7 Business Park (see **Figure 6**). The major difference between the two zonings is that “office premises” are permissible in the B7 Business Park zone.

Lot 5 is adjacent to the Pacific Highway. North of Campbell Street, other sites adjacent to the Pacific Highway are already zoned B7 Business Park in WLEP 2012.

Building C has been erected on Lot 5. Two separate development consents have been granted for the use of the majority of Building C for television production by Fox Sports. Television production falls into the land use definition of “high technology industry”. Therefore, it is only the use of the residue floor area of Building C which will benefit from the increased land use flexibility provided by the new B7 Business Park zoning.

2.3.2 Floor Space Ratio

Although the FSR Map in WLEP 2012 shows a maximum FSR for the site of 1:1 (see **Figure 4**) pursuant to Clause 4.4A(5), the maximum permissible FSR on the site is actually 1.5:1. However, the FSR already approved pursuant to the consent to DA 2008/42 in the Gore Hill Technology Business Park as a whole is 1.77:1.

DA 2008/42 was approved pursuant to Willoughby LEP 1995 which contained a different definition of GFA to that which is in WLEP 2012. DA 2008/42, pursuant to the definition of WLEP 1995 was approved with a GFA of 82,837 and an FSR of 1.77:1.

The approved floor space ratio, calculated in accordance with the definitions within WLEP 2012 is 1.65:1, based on a site area of 46,342m² and an approved GFA of 76,518m².

This Planning Proposal seeks an FSR of 3.5:1 on Lot 5, so as to reflect the GFA/FSR of the existing building now constructed on that lot (see **Figure 7**). The Planning Proposal also seeks to remove the site from Area 6 on the FSR map as the site coverage requirement is no longer relevant as there is an existing building on the site.

The rezoning of Lot 5 will improve the market appeal of the site and accelerate the development cycle by allowing the full occupation of Building C on Lot 5.

2.3.3 Willoughby DCP – Part I.5 - ABC Gore Hill Divestment Site- 219 Pacific Highway, Artarmon

Willoughby Development Control Plan (WDCP) came into force on 21 August 2006. The WDCP applies to all land in Willoughby and all types of development.

WDCP is divided into the following different parts:

- Part A – Introduction;
- Part B – Application Process
- Part C – General Development Guidelines – outlines those controls that apply generally to development within the Willoughby area. It covers issues such as transport and parking, sustainable development, drainage, bushfire hazard management and other environmental controls.
- Part D – Specific Controls for Residential Development
- Part E – Specific Controls for Commercial and Shop Top Development - outlines intent/objectives and controls that apply to commercial and shop top development.
- Part F – Development in Industrial Zones– outlines intent/ objectives and controls that apply to industrial development.
- Part G – Controls for Specific Development Types – outlines controls for specific development types and land uses such as child care centres.
- Part H – Controls for Heritage Items and Heritage Conservation Areas.
- Part I – Controls for Specific Sites/Areas – outlines additional controls that apply to specifically identified sites and areas within Willoughby.

Part I.5 of WDCP applies to the site, as outlined in Attachment 25 of WDCP which shows:-



The requested modifications would result in Lot 5 in DP 270714 having a maximum FSR of 3.5:1 and change the boundaries of “Area 6”.

3. PART 1 – OBJECTIVES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN

This section sets out the objectives or intended outcomes of the revised request to prepare a Planning Proposal.

3.1 Rationale for the Revised Planning Proposal

LBD has partially succeeded in satisfying Willoughby Council's vision for the transformation of the former ABC Gore Hill television studios into a modern technology business park. The two buildings (B1 and C) demonstrate this clearly. However, there remains more than 60% of the site to develop and lease and the present commercial (i.e. market) reality is that this strategically well-located lower North Shore site warrants the type of permissible land uses that best reflects what employers are seeking. That is, a modern technology park that permits "office premises". The current limited range of permissible uses which prohibits "office premises" is keeping employers away from the area and costing local job opportunities, to the detriment of residents of the Willoughby LGA.

LBD has been actively seeking prospective tenants for the residue of Building C on Lot 5. Significant obstacles are consistently encountered because of the inability for these prospective tenants to satisfy the definition of high-technology industry or light industry in both Willoughby LEP 1995 and in WLEP 2012. In short, the type of tenant which is seeking the size and quality of floor plate available to be offered in the residue in Building C is more likely to fall within the definition of "office premises" and the prohibition of this use results in prospective tenants looking elsewhere for space, outside of the Willoughby LGA, and more than likely at Macquarie Park.

Willoughby City Council could capture some of this lost opportunity by rezoning Lot 5 to B7 Business Park (making "office premises" permissible on Lot 5) adjacent to the Pacific Highway. This would be consistent with zoning of land adjacent to the Pacific Highway to the north of Campbell Street and would generate a net community benefit by providing more jobs for local residents and ratepayers through the full occupation of Building C on Lot 5.

Knight Frank prepared a report in support of the separate Planning Proposal (relating to Lots 5 and 6) and their findings, presented in **Appendix 5**, emphasise the lack of campus style office development options across the Willoughby LGA, which in their opinion "reduces the competitive advantage of the location to draw greater employers to the region". Although the majority of Building C on Lot 5 has been occupied, the rezoning of Lot 5 would allow the residual floor area to be used for office space. This would improve the market appeal of the site and accelerate the development cycle by allowing the full occupation of Building C on Lot 5.

Willoughby City Council had the Knight Frank report peer reviewed by Hill PDA. Hill PDA supports the Knight Frank findings and further stated the proposed changes are "*unlikely to have a significant impact on Chatswood and St Leonards Centres*".

3.2 Objectives of the Planning Proposal

The objectives of the Planning Proposal are to:-

- (i) rezone Lot 5 within the site to B7 Business Park, so as to improve the market appeal of the site and accelerate the development cycle;



- (ii) stem the leakage of office employment to business park environments in adjoining and nearby LGA's;
- (iii) enhance the local environment whilst maximising employment generation;
- (iv) better-provide for the orderly, economic and prompt development of the site; and
- (v) ensure that development within the Willoughby LGA appropriately supports *A Plan for Growing Sydney*.

4. PART 2 - EXPLANATION OF PROVISIONS

4.1 Parameters

This section of the report sets out the means through which the objectives described in Part 1 will be achieved, in the form of controls on development in the LEP.

The LEP will conform to the *Standard Instrument (Local Environmental Plans) Order 2006*. It will identify the land to which it relates and alter the zoning map and the FSR map. (The Heritage and Acid Sulfate Soils Maps which are currently part of Willoughby LEP 2012 will not be changed as a result of the Planning Proposal).

4.2 Zoning Map

The current zoning of the site is as shown on the zoning map (see **Figure 3**). This Planning Proposal amends the zoning map in the manner shown in **Figure 6** by rezoning Lot 5 from IN2 Light Industrial to B7 Business Park.

As a consequence of the proposed changes to the zoning map the following development would be permissible on Lot 5:-

“Building identification signs; Business identification signs; Child care centres; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Take away food and drink premises; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4”

The following development would be prohibited on Lot 5:-

“Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies”



4.3 Floor Space Ratio (FSR) Map

The permissible FSR of buildings on the site is governed by the FSR map (see **Figure 5**). This Planning Proposal seeks to amend the FSR Map in the manner shown in **Figure 7**. It modifies the maximum FSR on Lot 5 to 3.5:1, to reflect the FSR of the building on the site and removes Lot 5 from “Area 6” on the FSR map.

5. PART 3 - JUSTIFICATION

This section sets out the reasons for the proposed outcomes and development standards in the Planning Proposal and responds to the questions set out in the Department of Planning's *A Guide to Preparing Planning Proposals*. It addresses the need for the Planning Proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies.

5.1 Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the direct result of a strategic study or report but it is a response to an urgent need for contiguous floor space in A-grade, sustainably viable buildings within the Willoughby LGA.

Willoughby City Council could capture some of this lost opportunity by rezoning Lot 5 to B7 Business Park (making "office premises" permissible on Lot 5) adjacent to the Pacific Highway. This would be consistent with zoning of land adjacent to the Pacific Highway to the north of Campbell Street and would generate a net community benefit by providing more jobs for local residents and ratepayers and the full occupation of Building C on Lot 5.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the Planning Proposal is the best means. There is no better way.

The main objective and intended outcome of the Planning Proposal is to improve the market appeal of the site and accelerate the development cycle. "Office premises" are currently prohibited on Lot 5. The only way to permit "office premises" on Lot 5 is to amend the current planning controls in the manner requested in this planning proposal.

5.2 Section B – Relationship to Strategic Planning Framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The NSW State Government has introduced a new Strategy, titled "A Plan for Growing Sydney". Sydney district planning will guide delivery of the Plan across the six Districts that form the metropolitan area. However, at the time of writing the Planning Proposal the north district plan (of which Willoughby is part) had not been prepared.

The Planning Proposal is consistent with the current Metropolitan Plan for Sydney "A Plan for Growing Sydney".

"A Plan for Growing Sydney" ("the Metropolitan Plan") is the blueprint for strategic planning within metropolitan Sydney. The Planning Proposal is consistent with the Metropolitan Plan in that:-

- the timely completion of the approved technology business park is consistent with the vision of the plan "a strong global city, a great place to live";

- it builds on the goal of creating “a competitive economy with world class services and transport”;
- it will help to achieve the goal of “a great place to live with communities that are strong, healthy and well connected”;
- it will improve the prospects for employment generation on the site;
- it relates to a strategically well-located site which is readily accessible;
- it will grow Sydney’s economy;
- it promotes renewal; and
- it will provide jobs closer to the homes of Willoughby LGA residents.

The Metropolitan Plan discusses the importance of the Global Economic Corridor, which extends from Macquarie Park through the Sydney CBD (and includes the subject site) to Port Botany and Sydney Airport. The Global Economic Corridor generates over 41 per cent of the NSW Gross State Product (GSP).

The Metropolitan Plan states:-

“In the last decade, demand for office space has seen overflow activity from the CBD across the Global Economic Corridor, extending the corridor towards Parramatta and Norwest, and to Sydney Olympic Park and Rhodes. Successive improvements to transport connections in this corridor have supported this outward growth.

By 2030, there will be demand for around 190,000 new stand-alone office jobs: around 75 per cent of these will likely seek to locate in Sydney’s 10 major office markets. Many of these jobs will be outside Sydney CBD and North Sydney, in the eight suburban office markets of Chatswood, Macquarie Park, Norwest, Parramatta, Rhodes, St Leonards, Sydney Olympic Park and South Sydney, situated along the Global Economic Corridor.

Amongst this group, Parramatta, Macquarie Park and Norwest are performing very strongly and are particularly important for Sydney’s continued growth.”

The Planning Proposal will not threaten any established centre (see **Appendix 5**) but will augment the role of the Pacific Highway within Sydney’s Global Economic Corridor.

The Metropolitan Plan also states:-

“The Government will work in partnership with councils to:

- *devise commercial core zonings in targeted locations and update planning controls to increase density, including changing floor space ratio allowances and building height controls to facilitate the expansion of these markets*
- *help remove barriers to growth and promote more efficient land use outcomes, firstly, in Parramatta, Macquarie Park and Norwest.”*

The Planning Proposal does not relate to a commercial core zoning but would allow for an expanded commercial market on Lot 5 if it was to be rezoned B7 Business Park.

The Planning Proposal will help meet the demand for around 190,000 new office jobs by 2030.

Does the proposal have strategic merit and

- is consistent with a relevant local strategy endorsed by the Director-General? OR
- is consistent with the relevant regional strategy or Metropolitan Plan or
- can it otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc.)

The Planning Proposal is consistent with the Metropolitan Plan – as outlined above. We are not aware of any local strategy for Willoughby that has been endorsed by the Director-General.

Consistency with the relevant Section 117 Directions is addressed below.

Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following:

- the natural environment (including known significant environmental values, resources or hazards) and
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Yes.

Development consent (DA 2008/42) which became operational in December 2008 is for a mixed-use technology business park comprising high-technology industry, motor showroom/workshops, community facilities and ancillary retail use, with a floor space ratio of 1.65:1 (excluding community facilities) and on-site parking for 980 cars (excluding parking for the community facilities and parking storage) which equates to a parking rate of 1 space per 84.5m² of GFA (“the consent”).

The site to which the Planning Proposal relates is currently zoned IN2 Light Industrial pursuant to the provisions of WLEP 2012 (see **Figure 3**). The proposal seeks to amend the zoning of Lot 5 to B7 Business Park (see **Figure 6**).

Within the IN2 Light Industrial zone, “office premises” are prohibited. This Planning Proposal seeks to rezone Lot 5 to B7 Business Park. The major difference between the two zonings is that “office premises” are permissible in the B7 Business Park zone.

Lot 5 is adjacent to the Pacific Highway. North of Campbell Street, other sites adjacent to the Pacific Highway are zoned B7 Business Park in WLEP 2012.

The site is well served by public transport (including a shuttle bus service during business days) and is on a major arterial road.

The site is suitable for the changes to the LEP, sought as part of this Planning Proposal.

2. Is the planning proposal consistent with a council's Local Strategy or other local strategic plan?

Yes.

Willoughby City Strategy – 2013-2029

The Willoughby City Strategy is a long-term vision and plan for the future of the City to help guide decision making and planning up until 2029.

The Willoughby City Strategy aims to:

- *Identify what the community values about our area;*
- *Identify important issues and challenges for our future;*
- *Agree on our future directions and long-term goals; and*
- *Set strategies to achieve these goals.*

The Planning Proposal is consistent with the economic objectives of the Community Strategic Plan which are as follows (our emphasis):-

*“There are several key economic hubs in Willoughby providing over 50 000 jobs (Census 2006). Chatswood, St Leonard’s, the East Chatswood industrial area and the **Artarmon industrial area all form part of Sydney’s “Global Arc”**, a business corridor anchored at Sydney Airport stretching through Sydney and Willoughby City and on to suburbs to our north and northwest. The local business community comprises retail and commercial businesses that are owned and managed by local business people and national and international companies.”*

The proposal, to rezone Lot 5 to B7 Business Park will help Council to satisfy Direction 5.1.1, which states:-

“5.1.1 Local business

- a. Facilitate business and employment opportunities servicing local and regional needs.*
- b. Encourage a range of business, retail, office and industrial spaces.*
- c. Provide policies to limit commercial and retail activity in industrial areas and ensure long term availability of sites for alternative industrial uses.*
- d. Develop a strategy for regional business and economic development opportunities and funding in partnership with neighbouring councils.*
- e. Implement St Leonards Strategy as a specialist centre for health and education with neighbouring councils.*
- f. Implement strategy for the long term development of Chatswood CBD as a major regional employment, retail and entertainment destination.*
- g. Provide land use planning controls to support viability of local centres.*

h. Investigate strategies to promote the establishment of small businesses.”

Willoughby Structure Plan

The Willoughby Structure Plan is a broad framework for strategic land use planning to the year 2020. The plan identifies where priorities lie and seeks to coordinate delivery through the new draft LEP and Willoughby Development Control Plan.

The Structure Plan identifies the following strategic challenges (our emphasis):-

*“**ECON 2** – Strategic business locations / Employment growth areas
Council shall safeguard, enhance and promote the following locations for major industrial and **business development**:*

Chatswood CBD

Artarmon Industrial Area

East Chatswood Industrial Area

St Leonards Business District / Royal North Shore Hospital”

The planning proposal will enhance major business development within the Artarmon Industrial Area.

The Structure Plan also states, in relation to Artarmon and East Chatswood:-

“The new draft WLEP will enable an additional 19,100 jobs. Allowing for factors such as the rate of economic development, competition from other areas such as Macquarie Park and changes in technology over the next 20 years, the 16,000 jobs target is achievable.”

Council is therefore aware that the subject site is in direct competition with Macquarie Park, yet the current restrictions mean that Macquarie Park has a distinct advantage. The planning proposal will rectify some of that advantage.

NSROC Subregional Plan

The NSROC group of Councils have produced a Sub-Regional Strategic Plan to guide each member council's planning to achieve the strategies of the group across the region.

The NSROC Structure Plan identifies an “industrial/business park” at Gore Hill. The planning proposal will facilitate the further growth of the business park, which is inconsistent with the subregional planning for the area.

3. Is the planning proposal consistent with applicable state environmental planning policies?

Yes. Relevant SEPP's will be further considered at the Development Application stage.

4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Table 1, below, identifies the proposal's consistency with the applicable Ministerial Directions:-

Table 1: Planning proposal's consistency with the applicable Ministerial Directions

s.117 Direction Title	Consistency of Planning Proposal
1.1 Business and Industrial Zones	Yes.
2.3 Heritage Conservation	Yes.
3.4 Integrating Land Use and Transport	Yes. The redevelopment of the former ABC site was master planned with a Deed of Agreement to secure an acceptable level of transport support with the provision of a shuttle bus service to connect to St Leonards Station, and additional cycle ways and pedestrian links.
6.1 Approval and Referral Requirements	Yes – the proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
6.3 Site Specific Provisions	N/A - This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.
7.1 Implementation of A Plan for Growing Sydney	Yes. As addressed above.

5.3 Section C – Environmental, Social and Economic Impact

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The primary environmental effect arising out of the Planning Proposal is the traffic generation and demand for parking associated with the rezoning of Lot 5.

The traffic assessment in **Appendix 6** concludes:-

“This assessment has considered the potential traffic and parking implications of a Planning Proposal to permit “office premises” use within the B7 Business Park zone for development on Lot 5 in the Gore Hill Business Park.

The assessment has demonstrated that the development use/s will not result in any unsatisfactory traffic implications, the proposed parking provision will be adequate for the use and the design of the vehicle access, parking, servicing and circulation areas complies with the relevant standards.”

3. Has the planning proposal adequately addressed any social and economic effects?

The social and economic effects will be positive:-

- local employment will be created; and
- the economy of the Willoughby LGA will be strengthened and enhanced.

5.4 Section D – State and Commonwealth Interests

1. Is there adequate public infrastructure for the planning proposal?

Yes.

The site was previously occupied by the ABC Gore Hill Television Studios. It is highly urbanised. It adjoins two busy roads. It is connected to St Leonards railway station by a shuttle bus service on business days. It is adjacent to a bus stop. All utilities and essential services are available.

2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

At this stage, the appropriate State and Commonwealth public authorities have not been consulted. The Gateway Determination, issued by the Minister for Planning and Environment on 8 May 2014 (see **Appendix 7**), specified the consultation methods, including that consultation should take place with the following Government authorities, agencies and other stakeholders in regard to this Planning Proposal:-

- Transport for NSW - Roads and Maritime Services;
- Broadcast Australia; and
- adjoining Local Government Area's.



6. PART 4 – MAPPING

Maps, to support the Planning Proposal, are providing in the Figures following Section 7 of this Planning Proposal request.



7. PART 5 – COMMUNITY CONSULTATION

Community consultation on the Planning Proposal will be undertaken by Council in accordance with the Gateway Determination, issued by the Minister for Planning and Environment on 8 May 2014 or any new Gateway Determination issued by the Minister.



FIGURES



APPENDICES



APPENDIX 1

Recent Approval history on the site



APPENDIX 2

As built plans of Building C on Lot 5, prepared by Leffler Simes Architects

See Volume 2



APPENDIX 3

Approved Site Plan

See Volume 2



APPENDIX 4

Approved Community Title Subdivision Plan

See Volume 2



APPENDIX 5

Economic Viability Analysis, prepared by Knight Frank



APPENDIX 6

Traffic and Parking Analysis, prepared by Transport and Traffic Planning Associates



APPENDIX 7

Gateway Determination issued 8 May 2014