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Our ref: PP_2014_WILLO_002_00 (14/06180)

Mr Nick Tobin
General Manager
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

Dear Mr Tobin,

Planning proposal to amend Willoughby Local Environmental Plan 2012

I am writing in response to your Council's letter dated 19 March 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal 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.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed to the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are justified by the economic viability analysis and will not undermine the strategic vision for the Gore Hill Technology Park. No further approval is required in relation to these Directions.

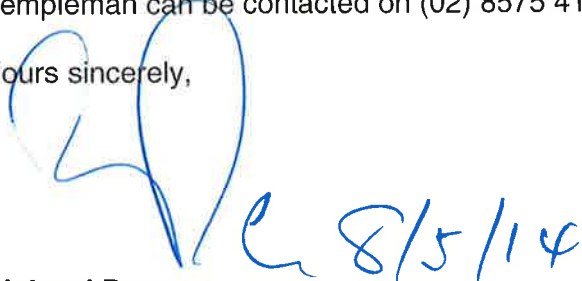
The Minister's plan making powers were delegated to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 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 Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Lauren Templeman of the Department of Planning and Environment's regional office to assist you. Ms Templeman can be contacted on (02) 8575 4110.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R. Pearson', followed by the date '8/5/14' written in a similar style.

Richard Pearson
Deputy Director General
Growth Planning and Delivery

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Dept Ref: PP_2014_WILLO_002_00): to amend the zoning, maximum floor space ratio and building height on land at Gore Hill Technology Park, Artarmon.

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 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 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/organisation 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).



Planning & Environment

7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

8

day of

May

2014.

A handwritten signature in blue ink, appearing to be "R. Pearson", written over the year "2014".

Richard Pearson
Deputy Director General
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning

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_2014_WILLO_002_00	Planning proposal 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 provision relating to minimum size of floor plates for office premises and amend clause 4.6 Exceptions to development standards.

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  8 May 2014


Richard Pearson
 Deputy Director General
 Growth Planning and Delivery
 Department of Planning and Environment

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_2014_WILLO_002_00
Date Sent to DoP&E under s56	19/3/2014
Date considered at LEP Review Panel	24/4/2014
Gateway determination date	8/5/2014

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: