



PLANNING PROPOSAL

KU-RING-GAI LOCAL ENVIRONMENTAL PLAN (PYMBLE BUSINESS PARK) 2011

BEING AN AMENDMENT TO KU-RING-GAI PLANNING SCHEME ORDINANCE (KPSO) 1971

PROPOSAL TO REZONE THE PYMBLE BUSINESS PARK

**Prepared for
Ku-ring-gai Council**

**By
BBC Consulting Planners**

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1. INTRODUCTION

This Planning Proposal contains an explanation of the intended effect and justification for a proposed amendment to the Ku-ring-gai Planning Scheme Ordinance (KPSO). The Planning Proposal 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 Planning Proposal seeks an amendment to the Ku-ring-gai Planning Scheme Ordinance (KPSO) to achieve:

- A rezoning of the land within the Pymble Business Park to B7 Business Park to be consistent with the provision for the precinct contained in the former *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* (KLEP 2010); and
- A rezoning of the land to the west of West Street and Ryde Road from 3(b) (Business - Commercial Services) to B7 Business Park.

The land to which the Planning Proposal relates is shown in **Figure 1** following Section 5 of the Planning Proposal.

At the Ordinary meeting of Council on 13 December 2011 a report was tabled in response to a Planning Proposal that was received by Council to rezone land at 1 Suakin Street, Pymble to permit the site to be developed for mixed use purposes. The report is provided in Appendix 1.

At the Ordinary Meeting held on 13 December 2011, Council resolved:-

- "A. That a Planning Proposal be prepared, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*, to amend the *Ku-ring-gai Planning Scheme Ordinance 1971* to zone the Pymble Business Park to B7 Business Park consistent with the provision for the precinct contained in former *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* (KLEP 2010). The Planning Proposal is also to include land to the west of West Street and Ryde Road currently zoned 3(b)-(B1) and not previously included in KLEP 2010 as shown in Attachment A3 to the report.
- B. That the Planning Proposal be submitted to the Department of Planning and Infrastructure for a gateway determination in accordance with section 56 of the *Environmental Planning and Assessment Act, 1979*.
- C. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* and with the Gateway Determination requirements.
- D. That a report be brought back to Council at the conclusion of the exhibition period."

BBC Consulting Planners has been engaged by Ku-ring-gai Council to prepare a Planning Proposal in relation to the above resolution.

In accordance with Section 55 of the EP&A Act, this Planning Proposal seeks to explain the intended effect of the proposed instrument and sets out the justification for making the proposed instrument. It addresses matters that are intended to be included in the Local Environmental Plan.

1.1 Land to which the Planning Proposal applies

The Planning Proposal applies to the land identified in **Figure 1** (following Section 5 in this Planning Proposal) as land to which the Planning Proposal relates.

1.2 Existing Planning Controls

The land to which the Planning Proposal relates, is currently zoned:-

- 5(a) Special Uses "A" (Commonwealth Purposes);
- 5(a) Special Uses "A" (Council Purposes); and
- 3(b) – (B1) Business - Commercial Services.

Figure 1 below demonstrates the current zoning of the land affected by the Planning Proposal. A discussion on the existing controls applying to the land to which this Planning Proposal relates is provided below.

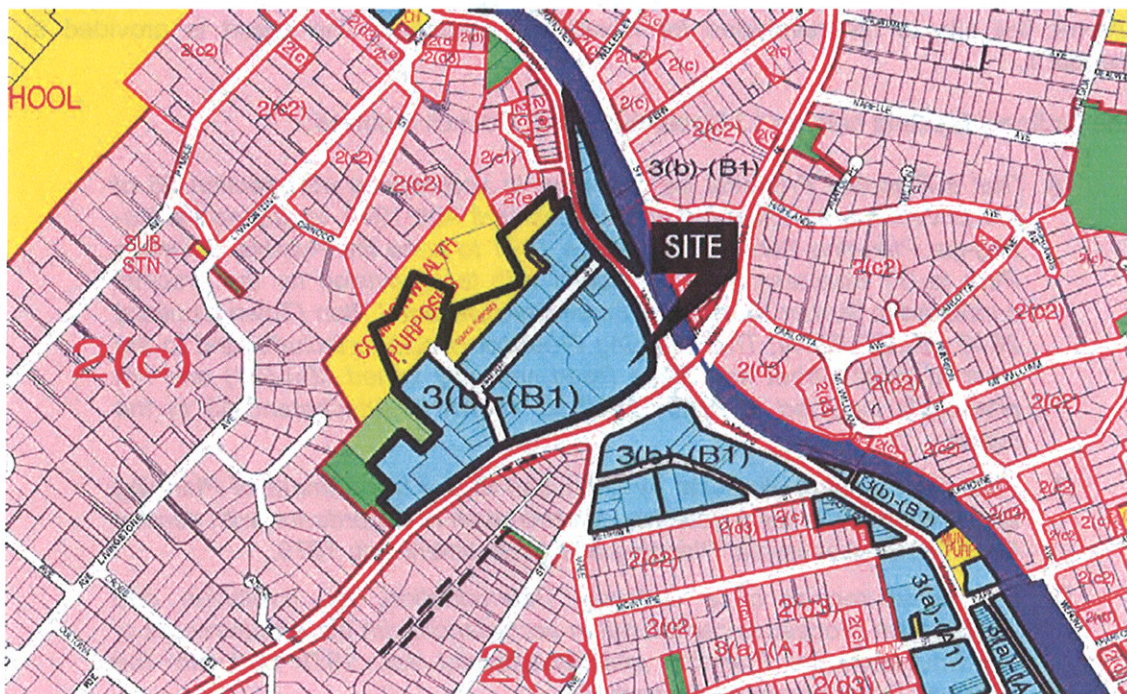


Figure 1. Zoning under KPSO 1971

1.2.1 5(a) Special Uses "A" (Commonwealth Purposes)

Development Control Table

In relation to the land zoned 5(a) Special Uses "A" (Commonwealth Purposes), the following development is permitted with consent under the KPSO:-

"Demolition of a building or work (being demolition that is not exempt development). Development (other than exempt development) for the purpose of: utility installations other than generating works or gas holders; special events. The particular development indicated by scarlet lettering on the scheme map".

Any other development, other than exempt development, is prohibited in the 5(a) Special Uses "A" (Commonwealth Purposes) zone.

Floor Space Ratio (FSR)

KPSO does not specify a maximum FSR for the land zoned 5(a) Special Uses "A" (Commonwealth Purposes).

Building Height

Pursuant to Clause 46 of VII (Special Provisions) of KPSO:-

"a building shall not be erected to a height, across any point of a site, which is greater than 7 metres without the consent of the Council."

1.2.2 5(a) Special Uses "A" (Council Purposes)

Development Control Table

In relation to the land zoned 5(a) Special Uses "A" (Council Purposes), the following development is permitted with consent under the KPSO:-

"Demolition of a building or work (being demolition that is not exempt development). Development (other than exempt development) for the purpose of: utility installations other than generating works or gas holders; special events. The particular development indicated by scarlet lettering on the scheme map".

Floor Space Ratio (FSR)

KPSO does not specify a maximum FSR for the land zoned 5(a) Special Uses "A" (Council Purposes).

Building Height

Pursuant to Clause 46 of VII (Special Provisions) of KPSO:-

"a building shall not be erected to a height, across any point of a site, which is greater than 7 metres without the consent of the Council."

1.2.3 3(b) – (B1) Business - Commercial Services

Objectives

The Objectives of the 3(b) – (B1) Business - Commercial Services zone are as follows:-

“(a) to identify those business centres the principal functions of which are to provide office services and employment opportunities within the Municipality; (b) to permit other community facilities, recreation, leisure and convenience services within business centres to meet the needs and demands of employees within the centres; and (c) to permit, within the business centres' hierarchy, service industries compatible with the zone.”

Development Control Table

In relation to the land zoned 3(b) – (B1) Business - Commercial Services, the following development is permitted with consent under the KPSO:-

“Advertising signs; brothels; bulk stores; bus stations; car parking; child care centres; clubs; commercial premises; community centres; drainage; internal alterations to a building or work; light industries; motor showrooms; open space; public buildings; recreation areas; recreation facilities; refreshment rooms; service stations; subdivision; utility installations (other than gas holders or generating works); warehouses; any other purposes which, in the opinion of the Council, are consistent with the objectives of this zone.”

Any other purpose, not included above, is prohibited in the 3(b) Commercial Services zone.

Height of Buildings

Pursuant to Clause 30A of the KPSO, the objectives of the height of buildings clause are as follows:-

“(a) to retain consistency in the apparent height of buildings when viewed from the main streets of each business centre, being generally 2 storeys (with the exception of land within floor space zone B1 where the apparent height is 3 storeys); (b) to minimise the potential for the overlooking and overshadowing of non-business development by business development; and (c) to promote a size of building which does not have an avoidable detrimental visual effect on adjacent residential development.”

A building on land to which this part applies shall not exceed:-

“(a) a height, at the highest internal point of the ceiling of its topmost storey, of 12 metres in floor space zone B1 or 8 metres in any other floor space zone; and (b) an exterior height determined by a building height plane projected at an angle of 30 from a point 1.5 metres above ground level located at the boundary of land within a residential or open space zone.”



Floor Space Ratio (FSR)

Pursuant to Clause 30B of the KPSO the floor space zone B1 is:-

"the primary commercial office centre within the Municipality, to provide office accommodation and associated services for the wider upper-north-shore locality"

The Council shall not consent to the erection or use of a building on land within a Floor space zone of B1 if the FSR exceeds 1.0:1.

1.3 Heritage

There is one item of Heritage Significance (on the State Heritage List) within the land affected by this Planning Proposal.

The property at 982-984 Pacific Highway, Pymble is an Energy Australia substation and is currently on the State Heritage Register. According to the State Register:-

"The Pymble Zone substation/depot is a large and elegant parapeted one and two storey structure with rooves of varying heights, round headed windows, and contrasting lintel pediments. It is a refined example of the Interwar Stripped Classical style as evidenced by the vertical emphasis, vestigial classical cornice and groupings of multi-paned windows. Stylistic elements also include recessed panels incorporating corbelled brickwork near the base and parapet levels, and decorative elements including contrasting brickwork and cement rendered lintel pediments. Two large entrances with roller shutters provide access. The Pymble Zone substation/depot is constructed in load-bearing face brick with externally expressed engaged piers. The windows make use of brick arch construction."

It is proposed that the site be added to Schedule 7 'Heritage Items' of the KPSO as part of this Planning Proposal.

1.4 Ku-ring-gai Local Environmental Plan (Town Centres) 2010

On 28 July 2011, the Land and Environment Court in *Friends of Turramurra Inc v Minister for Planning* [2011] NSWLEC 128 declared "that Ku-ring-gai Local Environmental Plan (Town Centres) 2010 published on the NSW legislation website on 25 May 2010 has been made contrary to the provisions of Division 4 of Part 3 of the Environmental Planning and Assessment Act 1979 and is thereby of no legal force or effect".

Land included in KLEP 2010 was zoned B7 Business Park (see **Figure 2** below). The objectives of the B7 zone were as follows:-

- *"To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area."*

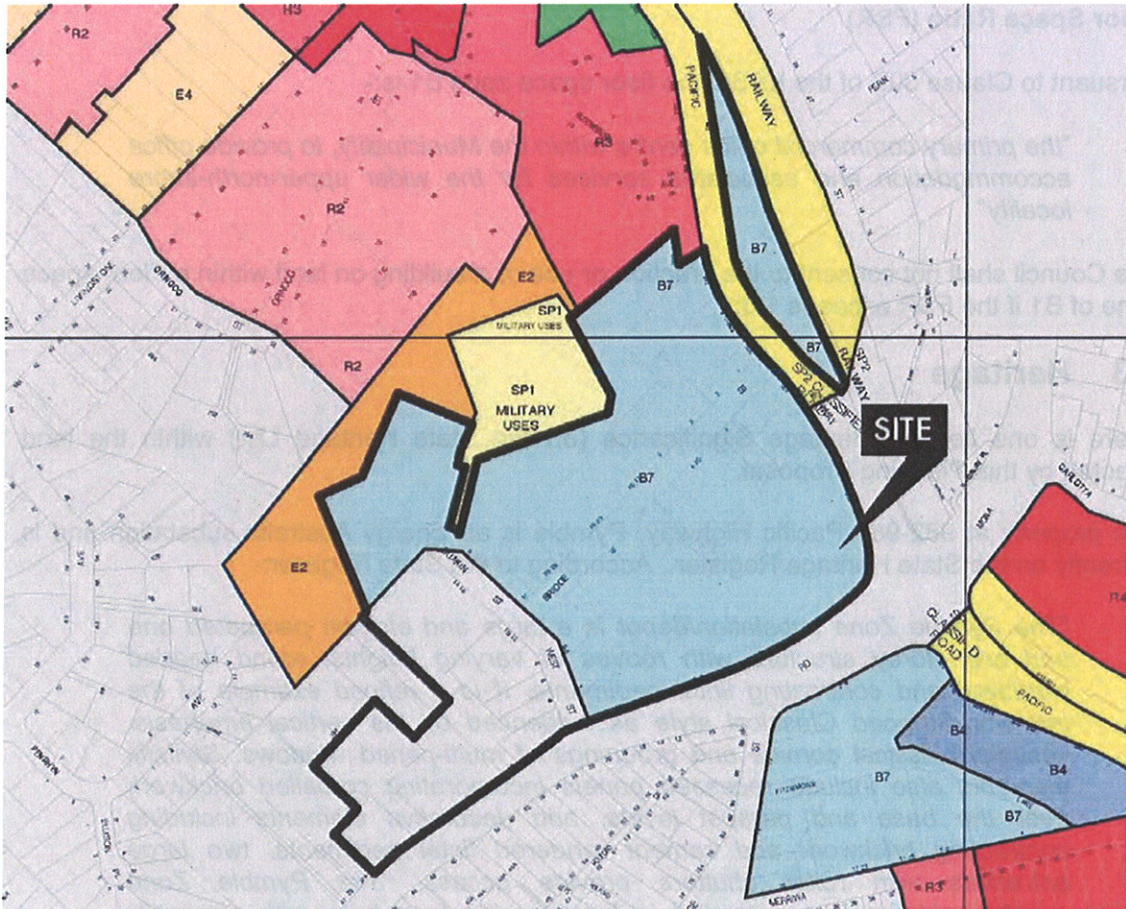


Figure 2. Zoning of the site under KLEP2010

The following development was permissible with consent (item 3) in the B7 Business Park zone under KLEP 2010:-

“Child care centres; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Roads; Truck depots; Warehouse or distribution centres; Any other development not specified in item 2 or 4”.

The following development was prohibited (item 4) in the B7 Business Park zone under KLEP 2010:-

“Agriculture; Air transport facilities; Amusement centres; Biosolids treatment facilities; Bulky goods premises; Caravan parks; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Hazardous storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Landscape and garden supplies; Liquid fuel depots; Markets; Mortuaries; Offensive storage establishments; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural supplies; Sewage treatment plants; Shops; Tourist and visitor

accommodation; Vehicle sales or hire premises; Waste or resource management facilities; Wholesale supplies”.

KLEP 2010 included an FSR control of 3.5:1 and a height control of 32.5 metres for the majority of the land within the B7 zone within Pymble Business Park. The land within the Pymble Business Park west of West Street was not included in KLEP 2010. The land to the north of the Pacific Highway and part of the Pymble Business Park was zoned B7 under KLEP 2010 but included an FSR control of 2.5:1 and a height control of 17.5 metres.

Under KLEP 2010, certain parts of the land to which the Planning Proposal relates were identified as containing areas of Natural Resource Sensitivity, as areas of biodiversity significance and riparian lands. Council is currently preparing an LEP that will deal with areas of Natural Resource Sensitivity, including the areas within the site affected by this Planning Proposal.

Draft KLEP 2010 was considered at an extraordinary Ku-ring-gai Planning Panel meeting on 5 November 2008. Some of the key points from the report considered by the Panel at that meeting are as follows:-

- *“Building heights and densities have been determined in a way that is consistent with the hierarchy of centres determined in Council’s retail strategy. The hierarchy is as follows:*
 - *Gordon – main centre (or town centre as per metropolitan strategy);*
 - *Turramurra, Lindfield and St Ives – medium sized centres (or village as per metropolitan strategy); and*
 - *Pymble and Roseville – small centres (or small village as per metropolitan strategy).*
- *For Ku-ring-gai the main centre identified as having a shortfall is Pymble Business Park. Intensification of the Pymble Business Park and expansion to the southern side of Lane Cove Rd will support this employment area.*
- *Increase FSRs in Pymble Business Park*
- *Encourage the retention of office space in North Gordon*
- *Improve connectivity between Gordon and Pymble Business Park*
- *Discourage retail development at Pymble Business Park*
- *Consider combined approach to Pymble/Gordon as a single centre.*
- *To the south west of Pymble centre is the Pymble Business Park area which is proposed as a B7- Business Park zone with substantial increases in floor space and building height to encourage further development of office space. This is consistent with Council’s employment strategies.*
- *The SGS Employment Lands Study measured 89,000 sq m of “Employment Floor Space” in Pymble Business Park and stated that there was a 13%*



vacancy level (3,386 sq m). The overall conclusion from SGS was that Pymble Business Park could be a suitable location for further office space."

Draft KLEP 2010 subsequently went through a formal exhibition process. The zoning and development controls in Draft KLEP 2010 for the Pymble Business Park were adopted by the Ku-ring-gai Planning Panel without amendment on 27 May 2009.

KLEP 2010 was gazetted on 25 May 2010 and insofar as it applied to the Pymble Business Park, was in the same form as exhibited (i.e. the planning provisions for the Pymble Business Park went through a full LEP preparation process and were, in themselves, not in dispute).

The Planning Proposal will reinstate the zoning, FSR and maximum building height controls for the site that were established under KLEP 2010 (and will expand the area to which they relate to include all of the Pymble Business Park – namely the land to the west of West Street fronting Ryde Road).

1.5 Proposed Planning Controls

The Planning Proposal will result in the following amendments to the KPSO:-

- as shown in **Figure 2**, the land within the Pymble Business Park, which includes the land to the west of West Street fronting Ryde Road, is to be zoned B7 Business Park. In this regard, the land to the west of West Street is part of the Pymble Business Park and the fact that this land was not zoned B7 Business Park under KLEP 2010 was an anomaly of that plan. This land should also be zoned B7 Business Park and should have the same density controls as the remainder of the business park;
- as shown in **Figure 3**, the land within the Pymble Business Park south of the Pacific Highway, which includes the land to the west of West Street fronting Ryde Road, is to have a maximum FSR of 3.5:1. The land to the north of the Pacific Highway is to have a maximum FSR of 2.5:1;
- as shown in **Figure 4**, the land within the Pymble Business Park south of the Pacific Highway, which includes the land to the west of West Street fronting Ryde Road, is to have a maximum building height of 32.5 metres. The land to the north of the Pacific Highway is to have a maximum building height of 17.5 metres; and
- Lot 1 in DP 119476 and Lot 1 in DP 441760 known as 982-984 Pacific Highway Pymble is to be added to Schedule 7 'Heritage Items' of the KPSO as an item of Heritage Significance. This land is to be excluded from the maximum FSR and building height maps.

Figures 2 to 4 above follow Section 5 of the Planning Proposal.

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

This section of the Planning Proposal sets out the objectives or intended outcomes of the Planning Proposal. The following objectives will be developed further as studies are undertaken to inform the Planning Proposal.

The objectives of the Planning Proposal are to:-

1. enable the redevelopment of certain identified parts of the Ku-ring-gai Local Government Area for higher-density commercial development, that will better contribute to sub-regional commercial space targets and enable the redevelopment and expansion of an existing business park;
2. encourage the development of buildings that achieve design excellence and of public domain spaces that are safe, accessible and attractive;
3. enhance the local environment;
4. maximise the use of public transport, walking and cycling for trips to, from and within the Ku-ring-gai LGA by integrating accessibility to services and public transport with the provision of on-site parking;
5. ensure that items of heritage significance are adequately protected;
6. provide for the orderly and economic development of land; and
7. ensure development within the Ku-ring-gai Local Government Area appropriately supports the centres hierarchy of the Metropolitan Plan for Sydney 2036 and the North Subregion Draft Subregional Strategy.

3. PART 2 - EXPLANATION OF PROVISIONS

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

Ku-ring-gai Council supports the Planning Proposal for:-

- (i) the land within the Pymble Business Park, including the land to the west of West Street and fronting Ryde Road, to be rezoned B7 Business Park;
- (ii) the land within the Pymble Business Park south of the Pacific Highway, which includes the land to the west of West Street fronting Ryde Road, to have a maximum FSR of 3.5:1. The land to the north of the Pacific Highway to have a maximum FSR of 2.5:1;
- (iii) the land within the Pymble Business Park south of the Pacific Highway, which includes the land to the west of West Street fronting Ryde Road, to have a maximum building height of 32.5 metres. The land to the north of the Pacific Highway to have a maximum building height of 17.5 metres; and
- (iv) Lot 1 in DP 119476 and Lot 1 in DP 441760 known as 982-984 Pacific Highway Pymble be added to Schedule 7 'Heritage Items' as an item of Heritage Significance.

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 currently forming part of KPSO by rezoning the subject lands.

4. PART 3 - JUSTIFICATION

This section sets out the reasons for the proposed outcomes and development standards in the Planning Proposal.

The following questions are set out in the Department of Planning's *A Guide to Preparing Planning Proposals* and address 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.

4.1 Section A - Need for the planning proposal

The present zoning of the land is restrictive and inconsistent with sound planning and the objects of the EP&A Act. It is appropriate that the zoning be changed to enable the site to be developed or used in an orderly and economic manner as determined by Council's strategic planning investigations. Thus there is seen to be a need for a planning proposal. At issue are the proposed zoning and development controls.

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

Yes. A number of background documents were prepared to guide KLEP 2010.

KLEP 2010 was prepared to ensure the Department of Planning and Infrastructure's population and employment targets for the Ku-ring-gai Local Government Area to 2031 could be accommodated.

The Metropolitan Strategy and the Draft North Subregional Strategy provide a clear indication that economic growth should be concentrated in centres – particularly those at the top end of the centres hierarchy. For the North Subregion, this means a renewed focus on Hornsby as an employment and activity centre. The Subregional Strategy has a target of 13,500 additional jobs by 2031 with Hornsby centre expected to accommodate 3,000 of those jobs and Ku-ring-gai expected to accommodate 4500 additional jobs.

The more recent Metropolitan Plan for Sydney 2036 reinforces the need for more jobs closer to home and the need for additional housing. The subregion employment target increased to 15,000 from a 2006 base. There was no LGA split in this figure, but it is worth noting that the Hornsby centre target remained at 12,000, meaning the additional 1,500 are to be met elsewhere in the subregion outside of the Hornsby CBD.

The Draft North Subregional Strategy included actions for councils to prepare LEPs which will provide sufficient zoned commercial and employment land to meet their employment capacity targets.

The Ku-ring-gai and Hornsby Subregional Employment Study, prepared by SGS, was completed in 2008. This study informed KLEP 2010. It enabled Ku-ring-gai Planning Panel to determine an appropriate zoning for the site that would correspond with the zonings provided under the Department of Planning and Infrastructure's (DoPI) Standard Instrument LEP.

Through the Subregional Employment Study, the Ku-ring-gai Planning Panel was able to demonstrate to the DoPI that the LEP accounted for all employment growth required in the Ku-ring-gai LGA to 2031. The Subregional Employment Study refers to the area in which the site is located as the 'Pymble Business Park'. SGS state that (the park):-

"accommodates a range of businesses in modern commercial buildings. In 2006, total employment floorspace in this area, on business zoned land, was 88,999m². The key land uses are freight and logistics, office, business park and local light industry. The area accounts for one third of the LGA's Office and Business Park Floorspace. Considering future demand and potential supply, there is a shortfall of 19,412sqm in this area. This is driven by increasing office based employment. We recommend increasing FSRs to accommodate this shortfall. Zone B7 – Business Park is recommended with retail restricted to neighbourhood shops."

KLEP 2010 responded to these strategic policies by including the site in a B7 Business Park zone allowing a greater intensity of employment uses so as to contribute to meeting the employment targets in the Metropolitan Plan and the Draft North Subregional plan.

It is noted that KLEP 2010 provided sufficient land zoned for residential purposes to accommodate the dwelling targets set under these strategic planning studies and as determined by the State government.

The *Draft Ku-ring-gai Town Centres Assessment (market update)* was prepared for Council in July 2011 and provides a current market assessment for centres in the Ku-ring-gai Local Government Area (LGA) including Pymble.

Gordon and Pymble are the only centres with a strong office market presence.

Recently Gordon and Pymble have recorded high vacancy rates for office floorspace influenced in part by the relocation of existing tenants to competing centres such as, Chatswood, Macquarie Park and Ryde. Rent and value differentials are currently such that tenants can now choose newer, higher quality office space at Chatswood and Macquarie Park for a similar price to Pymble. The shift in demand for office space at competing centres is driven by a number of factors with the competing centres offer the following:

- premium stock– larger and newer floor plates with high NABERS ratings;
- improved amenity;
- access to greater retail facilities;
- critical mass;
- greater access to clients as Pymble Business Park suffers from a poor location, being away from the train station;
- Macquarie Park can cater to those seeking tailor made spaces – often those with a need for warehouse and office.

Ku-ring-gai appears to suffer from a locational disadvantage, with less accessibility than its competitors and reduced amenity due to the Pacific Highway. Macquarie Park could be seen as Gordon and Pymble's most significant competitor as it shares many of the advantages of Chatswood, but with newer stock and substantially lower sales prices and rents.

This report identifies cyclical changes in the fortunes of the business park influenced by the availability of space in other recently developing centres such as Macquarie Park. However the report also highlights the strategic importance of the Gordon and Pymble office precincts as being the only centres with a strong office presence thus displaying consistency with current metropolitan, subregional and local planning strategies.

There is strategic planning justification for a change in zoning on the site and on adjoining sites from the present zoning to a B7 zone. This is based on the detailed strategic planning and studies that informed the preparation of KLEP 2010.

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

The main objectives or intended outcomes of the Planning Proposal are to enable the redevelopment of certain identified parts of the Ku-ring-gai Local Government Area (LGA) for higher-density commercial development that will better contribute to sub-regional commercial space targets and enable the redevelopment and expansion of an existing business park.

Amending the KPSO would be the only means of achieving the objective of the Planning Proposal. If the Proposal was to be supported, new maps (zoning, maximum building height and maximum Floor Space Ratio (FSR)) would need to be prepared for the new LEP (see **Figures 2, 3 and 4**).

Furthermore, although Ku-ring-gai Council is in the process of preparing a new Town Centres LEP, this planning proposal for the Pymble Business Park should nevertheless proceed for the reasons set out on pages 5-6 of the report contained in **Appendix 1**.

A planning proposal for the site is therefore considered appropriate.

3. Is there a net community benefit?

Under the guide, it is recommended that the Net Community Benefit Test from the Draft Centres Policy should be followed when assessing a Planning Proposal. The following questions (italicised and indented) are contained in the Draft Centres Policy for evaluation of the Net Community Benefit Test.

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?

A proposal to increase the commercial density in the vicinity of a local centre is compatible with State and Regional Directions for the area of Pymble.

The Planning Proposal is considered to be consistent with the North Subregion Draft Subregional Strategy as it will provide sufficiently zoned land for employment within the Ku-ring-gai LGA.

The zoning of the land under KLEP 2010 was based on a strategic assessment of employment land uses with proposed zoning and increased development potential identified to meet anticipated demand and the role and function of Gordon Pymble as a centre of commercial employment. This strategic assessment remains current and relevant.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

No. The site is located about 1.1km walk from Pymble Station and 1.6km to Gordon. Gordon is considered a 'town centre' under the North Subregion Draft Subregional Strategy. A town

centre has a 800m radii and as such, the site is not located within a strategic centre within a subregional strategy.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

Yes. The LEP is likely to change the expectations of the various landowners as the zoning, permissible uses and development controls on the land will be amended.

A change in the zoning of the site to B7 Business Park would reflect the previous position under KLEP 2010.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

There are no other spot rezoning currently being considered in the locality. This proposal does not involve a spot rezoning.

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

Yes. The LEP will facilitate a permanent employment generating activity through the proposed rezoning as the current zoning 5(a) Special Uses "A" (Commonwealth Purposes) only permits limited employment generating activities. In addition, the land zoned 3(b) – (B1) is currently limited to a maximum FSR of 1.0:1. The proposed zoning and development controls for the site will result in an increase of permissible uses on the land currently zoned 5(a) Special Uses "A" (Commonwealth Purposes) and will permit a higher density of commercial uses on the land currently zoned 3(b) – (B1) Business – Commercial Services.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

No. The Planning Proposal will have no impact on the supply of residential land.

It is noted that KLEP 2010 and the strategic investigations supporting that LEP identified and provided sufficient land zoned for residential purposes to accommodate the dwelling targets set under strategic planning studies and as determined by the State government. No additional land is necessary for this purpose.

Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?

At this stage of the Planning Proposal, the appropriate State and Commonwealth public authorities have not yet been identified, and the Gateway Determination has yet to be issued by the Minister for Planning and Infrastructure. Consultation will need to be undertaken with public authorities, such as the State Transit Authority of NSW to determine the capacity of the existing public infrastructure and whether the existing services are capable of supporting the increased development densities in the LEP.

However, the report titled 'Pymble Business Park – Transport Assessment of Access Improvements' prepared by GTA Consultants in March 2011 (**Appendix 3**) suggests that the

total network (road) under existing conditions is operating in excess or near to operational capacity during the weekday AM and PM peak hours respectively. If the Planning Proposal is approved at the Gateway an additional study shall be prepared to investigate the inclusion of the land to the west of West Street in the B7 Business Park zone and how the essential upgrades (e.g. signalisation of the Ryde Road/West Street, etc.) will be carried out (e.g. Section 94 Contributions Plan, etc.).

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

Yes. The proposal will permit an increase in the range of permissible uses and will permit a higher density of commercial uses on the land currently zoned 3(b) – (B1) Business – Commercial Services and Special Uses. These changes have the potential to increase the amount of people travelling to the site for employment purposes.

Additionally, the area is reasonably well-serviced by public transport, including the regional bus route along Ryde Road and access to Gordon and Pymble railway stations. Council has also adopted an Integrated Transport Strategy which includes actions to address the Pymble Business Park precinct.

Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

The level of significant Government investment in infrastructure and services in the area has not been determined. Expected impacts where patronage would be affected by the proposal include increased traffic volumes on local roads, increased enrolments in local schools, increased demand for community facilities and services, increased passenger trips on bus and rail routes and increased demand on electricity network and other utilities.

Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

The area is affected to varying degrees by bushfire, riparian and some biodiversity constraints. These issues would need to be considered in the determination of any development applications.

Relevantly, Council has recently been issued a Gateway Determination to exhibit a planning proposal to introduce biodiversity and riparian overlays along with associated provisions into the KPSO. These provisions will also apply to the Pymble Business Park precinct and will become matters for consideration in future development of the site.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

Yes. Pymble Business Park is developed almost exclusively for employment and related purposes. In addition, Council's Depot is currently under construction within the precinct. The land on the opposite side of Ryde Road is also zoned for employment and related purposes (3(b) – (B1) Business-Commercial Services). The land directly to the west is zoned

open space and the land to the north west is zoned 5(a) Special Uses "A" (Commonwealth Purposes) and is affected by bushfire, riparian and some biodiversity constraints (so is unlikely to be built upon).

On an extremely localised level, public domain improvements arising from the redevelopment of the area may include upgraded footpaths and street tree planting along the site boundaries. Development contributions imposed on development occurring within the Business Park may finance future public domain improvements or may be used to fund community facilities in the area.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes. The Proposal seeks to make commercial uses permissible on the land currently zoned 5(a) Special Uses "A" (Commonwealth Purposes) and 5(a) Special Uses "A" (Council Purposes). The Proposal also seeks to increase the density of commercial uses on the land currently zoned 3(b) – (B1) Business-Commercial Services.

If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

No. The Proposal does not have the potential to develop into a centre in the future. The Metropolitan Plan and Draft subregional strategy do not contemplate a new centre in this location.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

There is public interest in correcting the zoning anomaly at the site whereby the specific purpose special uses zones (Commonwealth and Council Purposes) are no longer appropriate and where strategic planning investigations support the growth and development of employment opportunities.

Public interest reasons for supporting the Planning Proposal to rezone and increase the density on the site include attracting investment to the Pymble area. The public interest is also served by the implementation of strategic planning policies and directions that call for the retention and expansion of the employment base of the business park.

The implications of not proceeding at this time are difficult to determine as the site may be rezoned under the Town Centres LEP that is currently being prepared by Council. Under Council's resolved timeline for the new Town Centres LEP, to replace the void KLEP 2010, a draft LEP is not expected to be exhibited and considered by Council under the end of July 2012. The site was recently zoned B7 Business Park pursuant to the town centre LEP. There is every possibility that the site would be rezoned B7 Business Park which would meet the public interest test. In view of the particular restrictions on the site within a Special Uses (Commonwealth Purposes) zone, the expeditious processing of the planning proposal is warranted.

4.2 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)?

This is discussed in section 4.1 above. In December 2010 the NSW Government released the *Metropolitan Plan for Sydney 2036*. This Plan supersedes the 2005 *Metropolitan Strategy – City of Cities: A Plan for Sydney's Future*. Actions contained in the Plan focus on aligning subregional planning with the Metropolitan Plan and concentrating development around centres. The Metropolitan Plan contains a hierarchy for strategic and local centres. These revised subregional strategies, consistent with the Metropolitan Plan 2036, are anticipated for release in 2012.

2. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Ku-ring-gai Council has adopted a number of 'strategic' plans, including the following:-

- Hornsby and Ku-ring-gai Subregional Employment Study May 2008 (discussed above)
- Ku-ring-gai Council Community Strategic Plan 2030;
- Ku-ring-gai Sustainability Vision 2008-2033; and
- Ku-ring-gai Integrated Transport Strategy – July 2011.

These reports support the conclusions derived above in 4.1.

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

The following State Environmental Planning Policies are relevant to the Planning Proposal:-

		Consistent
SEPP 55	Remediation of Land	✓
SEPP	Infrastructure 2007	✓

The development's compliance and consistency with the above SEPPs would be determined during the assessment of any development application.

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

The table below identifies the proposal's consistency with the relevant Ministerial Directions.

s.117 Direction Title	Consistency of Planning Proposal
1.1 Business and Industrial Zones Objectives The objectives of this direction are to: a. encourage employment growth in suitable locations, b. protect employment land in business and industrial zones, and c. support the viability of identified strategic centres. Where this direction applies This direction applies to all relevant planning authorities. When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies A planning proposal must: a. give effect to the objectives of this direction, b. retain the areas and locations of existing business and industrial zones, c. not reduce the total potential floor space area for employment uses and related public services in business zones, d. not reduce the total potential floor space area for industrial uses in industrial zones, and e. ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: a. justified by a strategy which: i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject	The Planning Proposal will increase the total potential floor space area for employment uses and related public services in business zones which is consistent with the direction and its objectives.

Business Park precinct and will become matters for consideration in future development of the site. Further investigation is required at the DA stage in relation to threatened species.

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

The site is partly affected by a riparian corridor that runs along the rear of the land affected by the Planning Proposal, currently zoned 5(a) Special Uses "A" (Commonwealth Purposes). In addition, part of the site is also bushfire prone on Council's mapping system. These issues would need to be addressed during the assessment of any Development Application/s on the land.

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

Yes. Social considerations for the planning proposal relate to the implementation of strategic planning policies and directions that call for the rezoning and increase in density in the Pymble Business Park to generate a viable employment base. This is consistent with the findings of the Hornsby/Ku-ring-gai Employment Lands Study discussed above in this Planning Proposal.

4.4 Section D – State and Commonwealth Interests

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

Yes. Studies were undertaken prior to the preparation of KLEP 2010 to specifically assess the adequacy of public infrastructure to support the rezoning (in terms of open space, road capacity, transport, community facilities, sewerage, stormwater, etc).

Consultation with key agencies about the capacity to service the development concept was not undertaken prior to submitting this Planning Proposal to the Department of Planning and Infrastructure. The expected impacts on public infrastructure are explained elsewhere in this report.

Consultation with State and Commonwealth agencies will be undertaken in accordance with **Part 4** of this Planning Proposal.

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 identified or consulted, and the Gateway Determination has yet to be issued by the Minister for Planning and Infrastructure. Consultation with the following Government authorities, agencies and other stakeholders in regard to this Planning Proposal are proposed to include:-

- NSW Department of Planning of Infrastructure;
- State Transit Authority of NSW;
- Roads and Maritime Services (formerly the RTA) NSW;
- Sydney Water Corporation;
- Energy Australia;

s.117 Direction Title	Consistency of Planning Proposal
of the planning proposal (if the planning proposal relates to a particular site or sites), and iii. is approved by the Director-General of the Department of Planning, or b. justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or c. in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or d. of minor significance. Note: In this direction, "identified strategic centre" means a centre that has been identified as a strategic centre in a regional strategy, sub-regional strategy, or another strategy approved by the Director General.	
2.3 Heritage Conservation	The Planning Proposal will add an Energy Australia sub-station at 982-984 to Schedule 7 'Heritage Items' of the KPSO. The sub-station is already listed on the State Heritage Register.
3.4 Integrating Land Use and Transport	Potentially consistent
4.4 Planning for Bushfire Protection	The draft LEP written instrument (Appendix 2) includes provisions that require development to integrate bushfire risk management measures and biodiversity protection.
7.1 Implementation of the Metro Strategy	The development of the Pymble Business Park will contribute to meeting the employment targets in the Metropolitan Plan.

Should the Planning Proposal be supported at the Gateway Determination, further detail on consistency with Ministerial Directions will be provided following the consultation with the relevant public and private authorities.

4.3 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. Given the long standing commercial nature of the land affected by this proposal, it is unlikely that any critical habitats or threatened species exist on any of the sites. There is no currently identified critical habitat within or directly adjoining the Ku-ring-gai LGA. Also, as noted in Section 4.1 above, Council has recently been issued a Gateway Determination to exhibit a planning proposal to introduce biodiversity and riparian overlays along with associated provisions into the KPSO. These provisions will also apply to the Pymble



- NSW Department of Transport; ✓
- Lifetime Care and Support Authority of NSW;
- NSW Department of Family and Community Services (Housing); ✓
- NSW Department of Education and Communities; ✓
- Ministry of Police; ✓
- NSW Health Department; ✓
- Rail Corporation of NSW; and ✓
- Adjoining Councils. ✓

Council seeks confirmation of the above list through the Minister's Gateway Determination.

5. PART 4 – COMMUNITY CONSULTATION

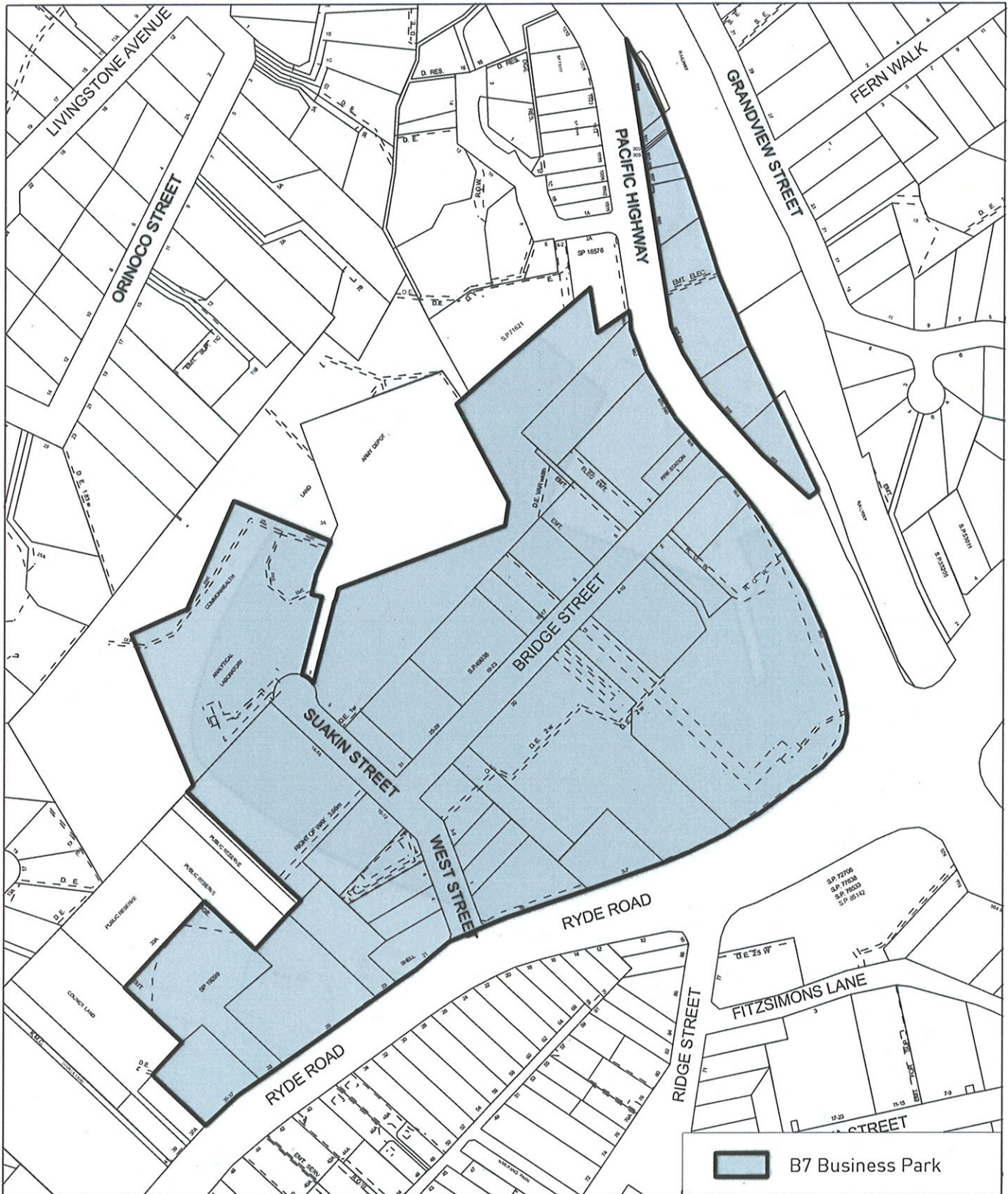
Extensive community consultation on the Planning Proposal will be undertaken by Council (subject to receiving a determination to proceed at the gateway) in accordance with the publication “A Guide to Preparing Local Environmental Plans”, published by the Department of Planning. The community consultation will not be commenced prior to obtaining approval from the Minister or Director-General. The notification and consultation process will be initiated after the s.55 submission has been sent to the Department of Planning and Infrastructure.

Council’s consultation methodology will include, but not be limited to:-

- forwarding a copy of the Planning Proposal, the gateway determination and any relevant supporting studies or additional information to State and Commonwealth Public Authorities identified in the gateway determination;
- undertaking consultation if required in accordance with requirements of a Ministerial Direction under section 117 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed LEP;
- giving notice of the public exhibition in the main local newspaper (the North Shore Times);
- exhibiting the Planning Proposal in accordance with the gateway determination. It is assumed this would require an exhibition period of at least 28 days duration;
- exhibiting the Planning Proposal pursuant to s.57 and all supporting documentation at Council’s Administration Centre and notification of exhibition at Council’s Libraries;
- notifying of the Planning Proposal’s exhibition on Council’s website, including providing copies of the Planning Proposal, all supporting studies and additional information and the gateway determination;
- notifying affected landowners and adjoining land owners where relevant;
- holding a Public Hearing, if required by the gateway determination or considered appropriate by Council; and
- any other consultation methods deemed appropriate for the proposal.



FIGURES



PLANNING PROPOSAL
PYMBLE BUSINESS PARK

FIGURE 1

LOCATION PLAN SHOWING LAND TO WHICH THE PLANNING PROPOSAL RELATES

PREPARED FOR - KU-RING-GAI COUNCIL



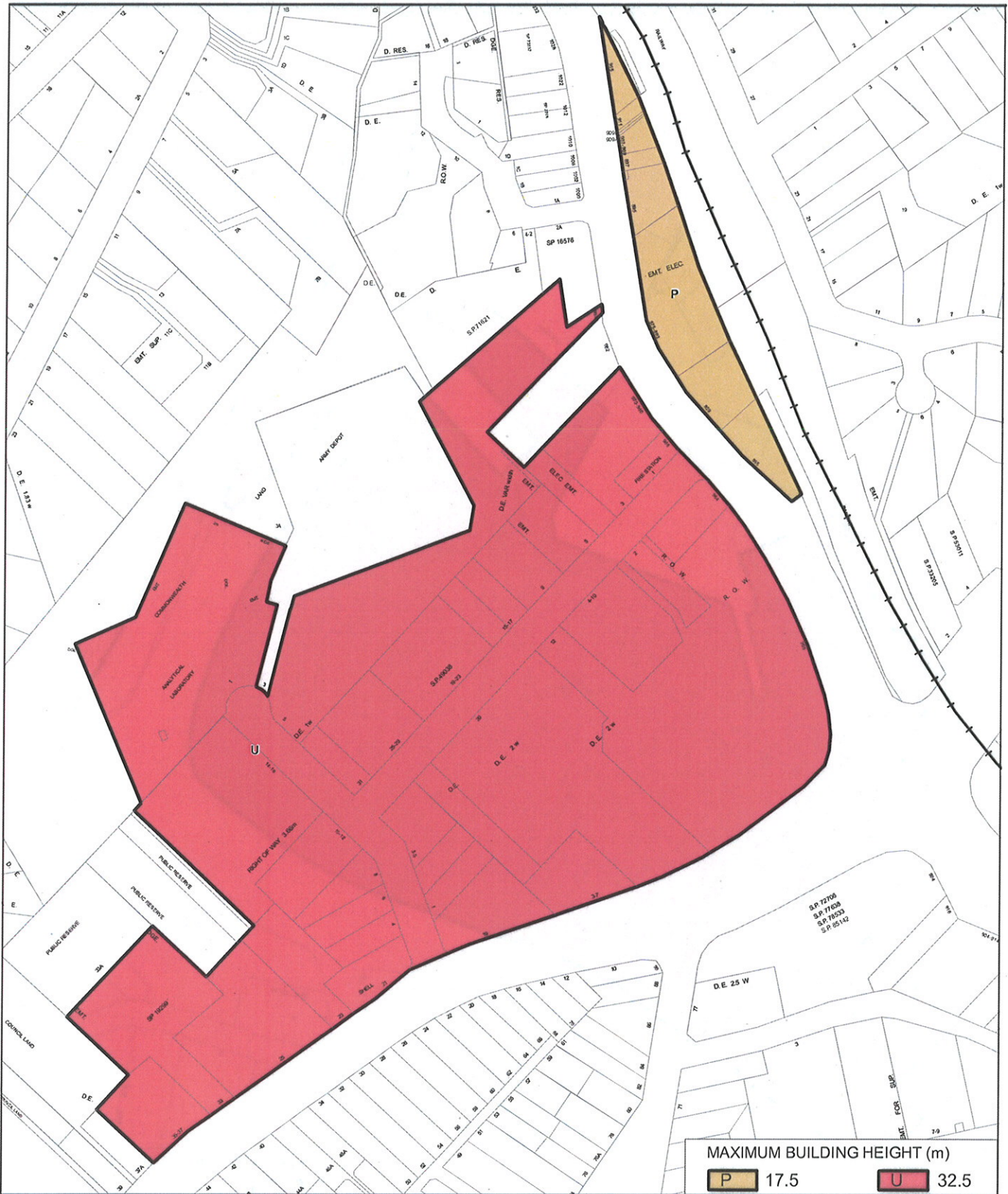




PLANNING PROPOSAL PYMBLE BUSINESS PARK

FIGURE 3
PROPOSED FLOOR SPACE RATIO MAP - PYMBLE BUSINESS PARK AND THE LAND TO THE WEST OF WEST STREET
AND ON RYDE ROAD (WHICH IS PART OF THE BUSINESS PARK)

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PLANNING PROPOSAL
PYMBLE BUSINESS PARK

FIGURE 4
PROPOSED HEIGHT OF BUILDINGS MAP - PYMBLE BUSINESS PARK AND THE LAND TO THE WEST OF WEST STREET
AND ON RYDE ROAD (WHICH IS PART OF THE BUSINESS PARK)

PREPARED FOR - KU-RING-GAI COUNCIL



APPENDICES
