

18.2 AMENDED PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN FOR GORE HILL TECHNOLOGY PARK LOTS 1-6 DP 270714 (1-5 BROADCAST WAY, ARTARMON)

ATTACHMENTS:	1. COUNCIL REPORT DATED 24 FEBRUARY 2014 2. COUNCIL REPORT DATED 10 DECEMBER 2012 3. AMENDED PLANNING PROPOSAL CONCEPT PLANS (CIRCULATED SEPARATELY) 4. DRAFT AMENDMENTS TO WILLOUGHBY DEVELOPMENT CONTROL PLAN (WDCP) 5. CONSIDERATION OF THE PLANNING PROPOSAL UNDER CLAUSE 55(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 6. COUNCIL TRAFFIC ENGINEER'S COMMENTS
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CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	26 APRIL 2016

Purpose of Report

This report relates to a Planning Proposal and an associated request to amend the existing Planning Controls in respect of a portion of the Gore Hill Technology Park at 1-5 Broadcast Way, Artarmon.

It includes references to a series of historical decisions, in particular:

- In 2012 a Planning Proposal to rezone part of the site from IN2- Light Industrial to B7- Business Park and to increase the floor space controls for Lots 5 and 6.
- In 2013 plans providing for the relocation of the proposed Sports and Community Centre from Lot 3 to Lot 6.
- In 2014 Council's resolution to investigate the relocation of the Sports and Community Centre to Gore Hill Oval at St Leonards.
- In 2015 a further revised Planning Proposal to rezone Lots 5 and 6 and to further increase the floor space controls relating to Lot 6.
- In all versions of the Planning Proposal, the Applicant has sought to increase the car parking rate above Willoughby Development Control Plan requirements.

This report considers the merits of the current Planning Proposal and recommends that Council:

- support the amended Planning Proposal in principle and refer it to the Gateway
- with the exception of car parking, support amendments to the site specific development controls in Willoughby Development Control Plan
- continue to work with Roads and Maritime Services to determine appropriate traffic and parking arrangements.

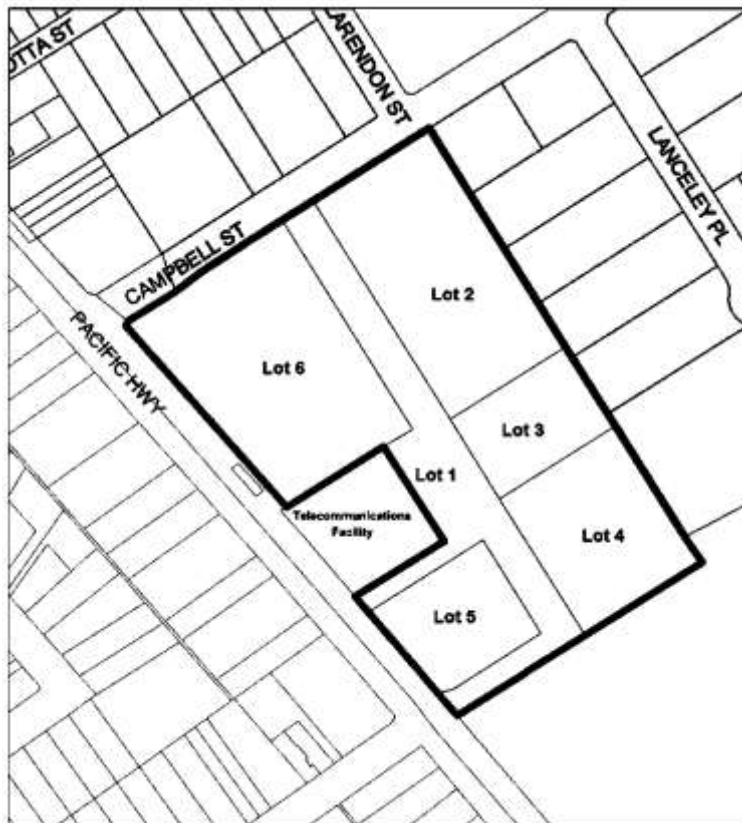
Background

Site Zoning, Development Status and Planning Proposal History

The Gore Hill Technology Park at 1-5 Broadcast Way comprises Lots 1-6 DP 270714 and is the former ABC site. Refer to Map 1

The site, is zoned Light Industrial (IN2) under Willoughby Local Environmental Plan 2012 (WLEP 2012). (Refer to Map 2). WLEP 2012 stipulates a floor space ratio of 1:1 or 1.5:1 for sites located in Light Industrial zones that have a site area above 1,000sqm in size. The site is also subject to specific height controls relating to the transmission requirements of Broadcast Australia, the owner of the adjacent transmission tower.

Map 1 – Lots 1-6 (Subject Site)



Development Application 2008/42

In 2008, Development Consent (2008/42) was issued for a mixed use high technology/ light industrial park comprising 5 buildings on the site. At that time, Lindsay Bennelong Developments owned the whole site. Since then, amendments to the original consent have been approved and the site has been subdivided by community title. Lots 2, 4 and 5 have subsequently been sold. To date, two buildings have been constructed - a data centre for the Australian Stock Exchange on Lot 4 (owned by Securis) and a building partially occupied by Fox Sports (owned by Growth Point) on Lot 5.

An existing Voluntary Planning Agreement (VPA) between Council and the Applicant provides for a Sports and Community Centre on Lot 3 in lieu of Section 94 contributions associated with development consent 2008/42. Lot 3 is currently vacant. The Voluntary Planning Agreement is the subject of a separate report on this Agenda.

Map 2 – Zoning Map



Planning Proposal 2012

In 2012, the Applicant submitted a Planning Proposal requesting that Lots 5 and 6 fronting the Pacific Highway be rezoned from Light Industrial IN2 to B7 Business Park. The Business Park zone allows “pure office” uses whereas in the IN2 zone the office component of developments must be ancillary to an industrial use.

In justifying the Planning Proposal the Applicant stated that although a portion of the site has attracted industrial uses there have been difficulties in attracting end users that are permitted in the IN2 Light Industrial zone for the remaining part of Lot 5 and all of Lot 6. The Planning Proposal however noted that there has been interest from organisations requiring offices with large floor plates who have located outside the Willoughby Local Government Area in areas such as Macquarie Park and Rhodes.

The Planning Proposal also requested an increase in height and an increase in the floor space ratio from 1.5:1 to 3.5:1 for Lot 5 (to reflect the existing approved development) and Lot 6. These increases would allow large floor plate campus style office space as well as help to facilitate a larger Sports and Community Centre on Lot 3.

In this regard, a Willoughby Recreational Needs Study had recommended that a larger Sports and Community Centre would be more useful. It was considered that the larger Sports and Community Centre would deliver a net community benefit resulting from the:

- increase in floor space for Lot 6
- additional B7 land uses for Lots 5 and 6.

The concept plans submitted with the 2012 Planning Proposal indicated 690 car parking spaces on Lot 6 with 155 spaces on Lot 3. Council Officers did not support this arrangement and recommended that the development be limited to the 460 spaces approved by DA 2008/42 on Lot 6 with the 155 spaces on Lot 3 to remain.

In December 2012 the Planning Proposal was supported in principle by Council subject to resolution of outstanding issues relating to traffic, parking and height as well as preparation of a revised Voluntary Planning Agreement (Refer to the Officer's report dated 10 December 2012 at Attachment 1.)

Amended Planning Proposal 2013

An amendment to the original 2012 Planning Proposal was lodged in 2013. The rationale for the revised Planning Proposal was a desire by the Applicant to move the Council Sports and Community Centre from Lot 3 to Lot 6. This was to allow for a second Data Centre - similar to the Australian Stock Exchange development, to be located on Lot 3.

At this time, Council Officers negotiated an improved design for the Sports and Community Centre on Lot 6 (rather than Lot 3). The multi-function centre comprised increased floor to ceiling heights, with the ability to accommodate a wider range of sports and levels of competition. The layout of the facility also allowed for an increased volume of people movements and viewing areas. The Sports and Community Centre was to be a stratum and one of three buildings above a podium on Lot 6.

The concept plans submitted with the Planning Proposal proposed 772 car spaces for Lot 6 including 177 spaces to be allocated for the Sports and Community Centre. This would equate to 1 space/76sqm (excluding the Sports and Community Centre) which is higher than the 1 space/84.55sqm approved by DA 2008/42 and significantly higher than the Willoughby Development Control Plan requirement of 1 space/ 100sqm for the site.

Council Officers did not support the increase in car parking as indicated in the concept plans because it was inconsistent with the original requirement for sustainable transport options for the site. It was also noted that support of the Planning Proposal was subject to referral to the Roads and Maritime Services.

Council considered a report (Attachment 2) on the amended Planning Proposal in February 2014 and resolved to refer it to the Gateway with the following provisions:

- to rezone Lots 5 and 6 (fronting the Pacific Highway) from IN2 –Light Industrial to B7-Business Park;
- to increase the floor space ratio applying to Lots 5 and Lot 6 to 3.5:1;
- to increase the permissible height to enable a Development Application for a data centre on Lot 3 (subsequently withdrawn) and 10.5m floor to ceiling heights for a Sports and Community Centre on Lot 6;
- The Planning Proposal was accompanied by a draft revised Voluntary Planning Agreement (VPA) to relocate the Sports and Community Centre from Lot 3 to Lot 6.

Gateway Determination 2014

On 8 May 2014 the Department of Planning and Environment issued a Gateway Determination allowing the Planning Proposal (as described above) to be exhibited. It required consultation with Transport for NSW-Roads and Maritime Services, Broadcast Australia and adjoining Councils.

However, the Planning Proposal did not proceed to public exhibition due to other deliberations within Council in relation to the location of the Sports and Community Centre. Since that time there have been further negotiations between Council Officers and the Developer regarding the location and delivery of the Sports and Community Centre.

A revised Gateway Determination will now be required should Council support the recommendations of this report.

Sports and Community Centre Report September 2014

In July 2014 information was presented to Councillors regarding the relative merits of a Sports and Community Facility at the Technology Park or Gore Hill Oval.

At its meeting on 8 September 2014 Council considered a report in relation to a range of matters associated with Council properties and facilities. In response Council resolved:

“That Council officers be authorised to enter into discussions with Lindsay Bennelong Developments to revise the Voluntary Agreement to provide a cash contribution to fund the development of Gore Hill Park”.

A revised Voluntary Planning Agreement has been submitted in association with a revised Planning Proposal offering a monetary contribution from the developer in lieu of the Sports and Community Centre on Lots 3 or 6. The revised Voluntary Planning Agreement is the subject of a separate report to Council.

Amended Planning Proposal June 2015

An amended Planning Proposal was lodged with Council in June 2015. As noted above, it has originated from a Council resolution to enter into discussions with the Applicant to revise the Voluntary Agreement to provide a cash contribution to fund the development of Gore Hill Park. As stated previously, the current Voluntary Planning Agreement provides for a Sports and Community Centre on Lot 3 of the site.

The amended Planning Proposal now relates only to Lots 5 and 6 and seeks a further increase in the permissible floor space ratio relating to Lot 6, now that the Sports and Community Centre is proposed to be located at Gore Hill. The amended Planning Proposal requests the following:

- Rezone Lots 5 and 6 from IN2 Light Industrial to B7 Business Park;
- Identify Lot 5 as 3.44:1 on the Floor Space Ratio Map to reflect the existing building now constructed on the site;
- Identify Lot 6 on the Floor Space Ratio Map to enable 4.52:1 subject to a minimum site area of 12,000sqm and a maximum site coverage of 60%.

It is no longer proposed to amend Willoughby Local Environmental Plan 2012 height provisions.

The Applicant has prepared a number of concept schemes for Lot 6 and one of the options is included as Attachment 3 of this report. The schemes attempt to demonstrate ways in which the site could be developed in accordance with the amendments to Willoughby Local Environmental Plan 2012 as requested in the Planning Proposal. No elevations accompany the concept plans.

- The concept plans relate to Lot 6 and indicate a development with a mix of uses as follows: office (44,959 sqm), showroom/gym (6,931 sqm), showroom/ retail (2,020 sqm), retail/bar (2,540 sqm.)
- The plans propose two buildings above basement car parking for 974 vehicles (with access via Broadcast Way). Proposed Building A fronting Broadcast Way would comprise nine levels of office (plus plant) above ground floor retail and two lower levels of basement gym and showroom. It would provide 506 of the 974 car spaces in four levels of underground parking.
- Proposed building B fronting the Pacific Highway would comprise seven levels of office (plus plant) above ground floor retail and showroom. Car parking for 468 of the 974 spaces would be provided over four levels in the lower ground level and basements.
- Each building would include loading dock facilities which are indicated on the ground floor with access from Broadcast Lane.
- The ground floor forecourt would include seven separate retail tenancies ranging in size from 197 sqm to 695 sqm. Ground level would also include a bar and a landscaped plaza. (Note: The Applicant has not sought a variation to the 80sqm maximum size for neighbourhood shops prescribed in Willoughby Local Environmental Plan 2012).

According to the documentation, the proposed offices would be “A Grade”, large floor plate in design and be consistent with the characteristics of business office parks. It is noted that the proposed office space indicates tenancies above 1,200 sqm however level 9 of building A indicates two offices of 765 sqm.

The Applicant has requested a variation to the Willoughby Development Control Plan car parking rate of 1 space/100sqm in relation to this site to allow the 974 spaces proposed in the concept plans accompanying the Planning Proposal for Lot 6.

The following table page provides a comparison of the gross floor area and car parking of the various proposals since 2008.

Table 1 – Comparison of Proposals

Lot No.	Lot Area m ²	Original approval: DA 2008/42	Planning Proposal supported by Council for exhibition Feb 2014	Current revised Planning Proposal, subject of this report
1	8,458m ²	Community road and open space 22 car spaces	Community road and open space 22 car spaces	Community road and open space 22 car spaces
2	10,630m ²	20,138m ² 304 car spaces	20,138m ² 304 car spaces	20,138m ² 304 car spaces
3	3,840m ²	7,365m ² (excluded from GFA calculated for sports and community centre) 79 car spaces	5,760m ² (if developed at 1.5:1 for light industrial) Assume 58 car spaces based on WDGP: 1 space/100sqm	5,760m ² (if developed at 1.5:1 for light industrial) Assume 58 car spaces based on WDGP: 1 space/100sqm
4	6,692m ²	8,376m ² 34 car spaces	8,376m ² 34 car spaces	8,376m ² 34 car spaces
5	4,212m ²	14,726m ² 182 car spaces	14,726m ² 182 car spaces	14,726m ² 182 car spaces
6	12,510m ²	39,597m ² (including approx. 2,000m ² car storage spaces) 460 car spaces	43,785m ² plus 8,300m ² (sports and community centre) =51,785m ² 772 car spaces	56,545m ² 974 car spaces
Total site	46,878.7m ²	82,837m ² (or 90,202m ² including sports and community centre)	92,485m ² (or 100,785m ² including sports and community centre)	105,545m ²
Exc road widening	46,342m ²	1081 car spaces	1372 car spaces	1574 car spaces
Total Site FSR		1.77:1 or 1.94:1 - including sports and community centre	2.0:1 or 2.17:1 - including sports and community centre	2.27:1 – financial contribution in lieu of sports and community centre.

Notes

1. Gross Floor Area as defined in WLEP 1995
Original site area was 46,878.7sqm which resulted in approved FSR of 1.77:1
Area yielded for road widening was 536sqm, which reduced the site area and increased FSR to 1.79:1

Discussion- Current Planning Proposal

i. Proposed B7 Business Park Zone

The amended Planning Proposal retains the request to change the zone from IN2- Light Industrial to B7- Business Park for Lots 5 and 6 to allow large campus office style buildings.

The remainder of the Gore Hill Technology site would stay zoned as IN2 Light Industrial.

Officer's Comment:

Council has previously resolved to support the proposal to rezone Lots 5 and 6 to B7- Business Park. It supports the strategic role of the Gore Hill Technology Park by increasing business and employment opportunities whilst limiting the impacts on existing commercial centres. This is provided that prospective tenants demonstrate a commitment to occupying contiguous office space of more than 1,200sqm and that there are no alternative locations in Chatswood or St Leonards. This would be ensured via an appropriate control in Willoughby Local Environmental Plan 2012.

The change in zone was supported by the Applicant's Economic Report and by Hill PDA who undertook an independent review on behalf of Council of the original Planning Proposal in 2012.

Detailed discussion supporting the proposed B7 – Business Park zone for Lots 5 and 6 is outlined in the report to Council dated 10 December 2012 (Attachment 1).

The Planning Proposal is consistent with the current Sydney Metropolitan Strategy – *A Plan for Growing Sydney* particularly Direction 1.9 “*Support Priority Economic Sectors*”. It also supports Direction 1.10: “*Plan for Education and Health Services to meet Sydney's growing needs.*”

ii. Proposed increase in Floor Space Ratio

Council has previously accepted an increase in the floor space ratio from 1.5:1 to 3.5:1 for Lots 5 and 6 in conjunction with their rezoning to B7- Business Park. (Refer to previous Council reports at Attachments 1 and 2).

In relation to Lot 5, the current Planning Proposal requests that the permissible floor space ratio be 3.44:1 (not 3.5:1) to reflect the 14,466sqm of gross floor area of the existing approved and constructed building as defined in Willoughby Local Environmental Plan 2012.

In relation to Lot 6, the current Planning Proposal requests that the permissible floor space ratio be 4.52:1 (or 56,545sqm of floor space). This request equates to:

- an additional 16,948sqm above the current Development Application approval for Lot 6
- an additional 12,760sqm (excluding the Sports Centre and Community Centre) above the amount accepted in February 2014 by Council for exhibition.
- an additional 4,760sqm above the total amount – including the 8,300m² Sports and Community Centre accepted in February 2014 by Council for exhibition. The Sports and Community Centre is no longer proposed on Lot 6. (Refer to Officer's Comment below).

The applicant advises that the additional floor space up to 4.52:1 on Lot 6 proposed in the revised Planning Proposal will facilitate a broader community benefit in the form of a financial contribution in lieu of an on-site Sports and Community Centre.

Officer's Comments:

Whilst the financial contribution to the provision of a Sports and Community Centre is a net community benefit, the Planning Proposal is assessed in terms of its impact on the overall strategic planning of the City and the amenity of the site and adjoining land uses.

Hill PDA reviewed the original Planning Proposal on the assumption that up to 60,000sqm of office floor space could be accommodated on Lots 5 and 6. They advised that they support large floor plate office development at the Gore Hill Technology Site. However, they recommended:

- that future development applications include justification that there is no suitable location in Chatswood and St Leonards and;
- that the design of the office space provides for large floor plates that do not compete with traditional smaller offices.

In this regard, Council has previously endorsed the inclusion of a specific clause in Willoughby Local Environmental Plan 2012 requiring a minimum of 1,200sqm floor plates for office and business premises and justification that there are no alternative sites in Chatswood or St Leonards.

The proposed increase in floor space is also assessed in terms of impact on the amenity of the Gore Hill Technology Park and neighbouring area including traffic generation, parking and overshadowing.

When the Planning Proposal was considered by Council in February 2014, the Sports and Community Centre (approximately 8,000sqm) was not included in the calculation of gross floor space for Lot 6. This was in accordance with the provisions of clause 4.4 (2A) of Willoughby Local Environmental Plan 2012. However, the proposed Sports and Community Centre building added to the bulk and density of development on the site. The floor space ratio for Lot 6 would have been around 4.14:1 (51,785sqm) if the Sports and Community Centre was included in the floor space calculation.

The Applicant requests that the volume of space previously proposed for the Sports and Community Centre now be utilised for B7- Business Park uses such as office space. This equates to an increase of approximately 4,700 sqm in additional floor space making a total of 56,545sqm or 4.52:1 for Lot 6. The previous multi-level Sports and Community Centre comprised 10.5m floor to ceiling heights. Commercial Office ceiling heights are generally in the order of 3 - 3.5m and as such you can fit more levels of office space into the same volume of Sports and Community Facility space.

The additional floor space proposed on Lot 6 will not result in a significant adverse impact in terms of bulk and scale compared to that previously accepted by Council for exhibition in February 2014.

The revised concept plans indicate a different configuration of buildings on Lot 6. This is to accommodate the additional floor space as well as the large floor plates required for campus office style development.

Shadow diagrams accompanying the various concept schemes indicate that some overshadowing of the central park (public open space) would occur at around lunchtime between 1 and 2pm during winter. However, opportunities for maintaining good solar access at this time and throughout the day are possible in the design of the open space plaza on Lot 6 which would cater for the amenity of workers and visitors to the complex. A future development application for Lot 6 would be required to address overshadowing of public areas and could incorporate a variety of inviting open spaces during summer and winter.

The concept plan design indicates that the upper levels of building B (facing Pacific Highway) have been set back to minimise winter overshadowing to residential buildings on the opposite side of Pacific Highway within Lane Cove Council area.

In terms of land use, it is noted that the concept plans indicate retail tenancy spaces above 80sqm. The B7 Business zone restricts retail use to "neighbourhood shops" of no greater than 80sqm in size. It is also noted that the office tenancy space at level 9 of building A is not consistent with large floor plates. Compliance with the controls relating to size of office tenancies and neighbourhood shops would be required in a future development application.

Support for the rezoning does not endorse the proposed design indicated on the concept plans submitted with the Planning Proposal. In this case, it is noted that ultimately, the floor space approved on the site will depend on the merits of a future development application and compliance with the objectives of Willoughby Development Control Plan as well as future local environmental plan controls.

Whilst the revised Planning Proposal requests that Council support an increase in the FSR to 4.52:1 for Lot 6, it is considered that the FSR be limited to 4.5:1 or 56,295sqm.

It is appropriate to retain Council's original support for 3.5:1 for Lot 5 as it allows a minor increase in floor space (250sqm) if required. There is unlikely to be an adverse impact on amenity from an FSR of 3.5:1 for Lot 5 as the site has already been developed and no increase in car parking is proposed.

iii. Proposed Car Parking Provision and Traffic Generation

The Applicant has requested that the relevant parking controls in site specific provisions within Willoughby Development Control Plan be amended to permit 974 car spaces on Lot 6. No additional car parking is proposed for Lot 5.

A revised traffic study prepared by Transport and Traffic Planning Associates (TTPA) was submitted with the amended Planning Proposal and considered traffic impacts on the basis of the provision of 974 car parking spaces on Lot 6.

Officer's Comments:

On site car parking provision is the primary contributor of traffic generation to the site.

Site specific controls in Willoughby Development Control Plan specify a maximum of 1 space / 100m² irrespective of the use. This control was imposed to reflect the previous traffic associated with the former ABC use of the site. The Development Control Plan also incorporates a requirement for a shuttle bus which is now in operation. The original consent for the High Technology Park approved 460 spaces on Lot 6.

Notwithstanding, the above Council Officers have in the past considered proposals involving consideration of a total of 615 spaces across Lots 3 and 6, 155 spaces on Lot 3 and 460 spaces on Lot 6.

Preliminary advice from the Roads and Maritime Services has raised concern with the queuing length on the Pacific Highway with the increased car parking provision proposed (974 spaces).

Similarly, Council's Traffic Engineer has concern regarding queuing length in Campbell Street noting that the Campbell Street/ Pacific Highway intersection is already at or nearing capacity (E Level of Service on a scale of A to F).

Further investigation would be required to identify if appropriate road works can be undertaken to cater for the additional traffic generation.

Roads and Maritime Services has advised that if design options to address queuing on the Pacific Highway are not feasible the current car parking rate (1 space per 100m²) should remain or alternatively parking should not exceed the original amount that was previously approved for Lot 5 (460 spaces).

As stated in previous reports to Council concerning this issue, support for aspects of the Planning Proposal amendments to WLEP 2012 does not imply support for the concept plans, and the number of car parking spaces will be a matter for detailed design and assessment at Development Application stage.

The site is located adjacent to the Pacific Highway which is controlled by the NSW Government. Ultimately, the response of the Roads and Maritime Services will influence the traffic and parking outcomes associated with the Planning Proposal. Therefore the currently unresolved car parking, traffic generation and access issues will have to be resolved through consultation with the RMS prior to the exhibition process.

In summary the variation to the Development Control Plan of the specified car parking (1/100ms) for Lot 6 is not supported:

- It is inconsistent with the original requirement for sustainable transport options for the site,
- it generates unacceptable traffic congestion on the Pacific Highway (an RMS controlled road) and Campbell St (local road) at peak times which has not been resolved satisfactorily at this time and
- the site is located close to public transport (Pacific Highway) and is serviced by a shuttle bus from St Leonards station.

iv. State Environmental Planning Policy (SEPP) 55- Remediation of Land

Compliance with SEPP 55- Remediation of Land is required prior to rezoning. Council's Environmental Health Officer recommends that the applicant provide a Preliminary Investigation report for Lot 6 prior to exhibition should Council support the Planning Proposal.

v. Infrastructure and Servicing

Council's Development Engineer provided a number of comments in relation to drainage matters that would have to be addressed at any future Development Application stage. These comments have been referred to the Applicant.

The concept plans and Planning Proposal documentation have not addressed stormwater management. It is noted that OSD and rainwater retention and re- use on Lot 6 is required to cater for impervious areas and rainwater tank overflow from other Lots in the Gore Hill Technology site as well as from Lot 6.

Department of Planning Requirements

The original Planning Proposal was considered having regard to the requirements under Clause 55(2) of the Environmental Planning and Assessment Act 1979 and the Department of Planning's "*A guide to preparing planning proposals*". The assessment (Attachment 5) has been updated to reflect the amended Planning Proposal and the Department of Planning changes to assessment criteria.

Further Amendments to Willoughby Local Environmental Plan 2012

As a result of the community title subdivision of the Gore Hill Technology site, the 45% site cover control set down in clause 4.4A (5(c)) of WLEP 2012 - *Exceptions to floor space ratio*, relates to the individual lots excluding the Community Lot incorporating roadway and open space areas. This results in the site cover for each of Lots 2-5 (for the approved scheme) and Lot 6 (for the proposed scheme) having in the order of 60% site cover. As such it is recommended that both Willoughby Local Environmental Plan 2012 (Clause 4.4A(5)) and Willoughby Development Control Plan be amended accordingly. (Refer to discussion below).

Willoughby Development Control Plan

Future development of the site will be subject to the general provisions of Willoughby Development Control Plan including Part C.16- *Development near Lane Cove Tunnel Ventilation Stacks*, as the site is within 800m of the Marden St stack.

The applicant has requested that the site specific provisions of Part I.5 of the Willoughby Development Control Plan - *ABC Divestment Site*, be amended to reflect the development already been approved - including the community title subdivision. This would also ensure that the Willoughby Local Environment Plan and Development Control Plan were consistent with each other. This is supported with the exception of car parking rates for the reasons outlined previously in this report.

The resulting amendments to Part I.5 of Willoughby Development Control Plan can be summarised as follows:

- Willoughby Development Control Plan (WDCP) Control 1.5.3 Floor Space, Height and Setbacks

Control 1.5.3 (1) (v) stipulates that *building heights along the Pacific Highway not exceed 4 storeys in height (other than lift overrun or other roof structures) to a depth of 20m of their front façade alignment which will have regard to the residential development on the western side of the Highway in the Lane Cove local government area.*

The existing building on Lot 5 (Fox Sports) does not comply with the Willoughby Development Control Plan (WDCP) control nor does the building approved (but not built) by Development Consent 2008/42 for Lot 6. The concept plans accompanying the Planning Proposal also do not comply with the above control although the levels above 4 storeys have been set back to minimise overshadowing to residential properties in Lane Cove.

It is proposed to replace the control with a new control 1.5.3 (1)(v) as follows: *Building heights along the Pacific Highway are not to exceed 14m in height (other than lift overrun or other roof structures) to a depth of 10m of their front façade alignment in order to have regard to the residential development on the western side of the Highway in the Lane Cove local government area.*

An amendment to the control as proposed would have regard to the impact on Lane Cove properties. It would also acknowledge the existing building on Lot 5 and allow for the desired floor plate design on Lot 6. The amended control would ensure that the built form would be appropriate in terms of bulk and scale. It would also assist in maintaining suitable views to the heritage item, (Communication Tower) on the adjacent site along the Pacific Highway when travelling in a north bound direction.

- Willoughby Development Control Plan (WDCP) Control 1.5.4 stipulates *The site coverage shall not exceed 45% of the site area.*

Council has previously resolved to amend the site coverage for Lot 6 from 45% to 60% which is more consistent with the existing development consent and the development envisaged in the Planning Proposal. It is recommended that a site coverage of 60% also be applied to Lots 2-5 now that the site has been subdivided by Community Title.

- Willoughby Development Control Plan (WDCP)- Landscaping/Open Space Controls

The landscaping and open space controls that are stipulated in Willoughby Development Control Plan (WDCP) require updating to be more consistent with the approved development consent and the buildings constructed on the site to date. Specifically, Attachment 25- *Access, Open Space and Building Setbacks* .

The current control requires 25% of the site to be designated as soft landscaping. It is recommended that Willoughby Development Control Plan be clarified to require a minimum of 25% open space for each lot. (Not specifically soft landscaping which is provided elsewhere within the overall site). This will ensure the provision of adequate ground level open space for workers in an attractive landscaped setting.

The proposed amendments to Willoughby Development Control Plan Part 1.5 are at Attachment 4. It is recommended that they be exhibited with the Planning Proposal.

Conclusion

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.

There are outstanding car parking, traffic generation and access issues to be resolved through consultation with the RMS during the exhibition process. The Planning Proposal design issues such as car parking provision that have been identified will also need to be further addressed during the Development Application process.

Amendments to the Site Specific controls of Part 1.5 (ABC Divestment Site) of Willoughby Development Control Plan as proposed in this report will more closely reflect existing approved and built development on the site. They will also guide future applications for development in accordance with the proposed Willoughby Local Environmental Plan 2012 amendments.

It is recommended that Council forward the revised Planning Proposal to the Department of Planning and Environment, seeking a revised Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.

OFFICER'S RECOMMENDATION

That Council:

1. Supports the revised Planning Proposal for Lots 1 to 6 Gore Hill Technology Park at 1-5 Broadcast Way, Artarmon and forwards it to the Department of Planning and Environment seeking a revised Gateway Determination under Section 56 of The Environmental and Planning Assessment Act 1979.
2. Supports draft amendments to Willoughby Local Environmental Plan 2012 for Lots 1 to 6 DP 270714 at 1-5 Broadcast Way, Artarmon for public exhibition as follows:

- Change in the zoning of Lots 5 and 6 from IN2- Light Industrial to B7- Business Park;
- Increase the maximum floor space ratio from 1.5:1 to 3.5 for Lot 5 subject to a maximum site cover of 60%;
- Increase 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;
- Increase the maximum site cover for Lots 2, 3, and 4 from 45% to 60%;
- Include a new local clause in Part 6 of WLEP 2012 relating to the minimum size of floor plates for use as office and business premises as follows:

6.2.0 (1) This clause applies to Lots 5 and 6 of DP 270714 known as 2 and 4 Broadcast Way, Artarmon zoned B7 Business Park.

Development consent for the purposes of Office or Business premises must not be granted unless the consent authority is satisfied that:

- a. ***The occupant requires and will solely occupy a minimum gross floor area of 1,200sqm;***
- 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.***

3. Requires a Phase1 Preliminary Investigation Contamination report to be submitted prior to exhibition of the Planning Proposal.

4. Supports the draft amendments to Part 1.5 -*ABC Gore Hill Divestment Site* of Willoughby Development Control Plan for Lots 1-6 DP 270714 at 1-5 Broadcast Way, Artarmon for public exhibition as recommended in Attachment 4 of this report to reflect the development approved for the site as well as to be consistent with the proposed Willoughby Local Environmental Plan 2012 amendments.
5. Notes the separate report on the Agenda regarding the Voluntary Planning Agreement for the Gore Hill Technology Park, in particular that the Agreement will:
 - a. document a proposed Community Benefit in recognition of the amended planning controls.
 - b. include community consultation to provide for public input into the process.

ATTACHMENT 1

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**20.3 PLANNING PROPOSAL FOR GORE HILL TECHNOLOGY PARK
(PREVIOUS ABC SITE), PACIFIC HIGHWAY, ARTARMON**

ATTACHMENTS:	1. COUNCIL REPORT DATED 10 DECEMBER 2012 2. REVISED PLANNING PROPOSAL DECEMBER 2013 3. COMPARISON TABLE FROM APPLICANT OF DEVELOPMENT STATISTICS FOR DIFFERENT PROPOSALS DATED 17 DECEMBER 2013 4. PROPOSED AMENDMENT TO WLEP2012 HEIGHT OF BUILDING MAP
RESPONSIBLE OFFICER:	LINDA MCCLURE, STRATEGIC PLANNING MANAGER
AUTHOR:	JANE HOSIE, STRATEGIC PLANNER
DELIVERY PROGRAM ITEM:	5.1 1 Local business
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

The purpose of this report is to update Council on the progress of outstanding matters and amendments to the Planning Proposal for the Gore Hill Technology Park at 219 Pacific Highway, (now known as 1-5 Broadcast Way) Artarmon submitted by Lindsay Bennelong Developments. The report recommends that Council support a Planning Proposal for the site for referral to the Gateway and public exhibition. The Planning Proposal is associated with a draft Voluntary Planning Agreement (VPA) between Council and the applicant which is the subject of a separate report to Council from the Economic Development Director.

Background

The existing site has a development consent for 5 buildings and has since been subdivided into a community title with 6 lots consisting of lot 1, the community lot containing the roads and open space park and 5 lots approved for buildings by consent 2008/42 (as amended.) Two buildings have been constructed on lot 5 (Fox studios) and lot 4 (ASX). Lot 3 contains the approved Council Sports and Community Centre, to be constructed by the developer and is the subject of an existing VPA.

The report on the original Planning Proposal for the site reported to Council on 10 December 2012 is at Attachment 1. The proposal was to enable the following outcomes:

- i) Large floor plate office development on lots 5 and 6 fronting the Pacific Highway;
- ii) Additional floor space on lot 6, the site on the corner of the Pacific Highway and Campbell St;
- iii) A larger sports and community centre on lot 3 to be owned by Council with additional parking for the sports facility to be provided on lot 6.

This would have required the following amendments to WLEP 2012:

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- rezoning of lots 5 and 6 on the Pacific Highway frontage of the site to B7 - Business Park which permits office premises and amending the Floor Space Ratio of these sites to 3.5:1 (subject to minimum lot size requirements);
- amending the height limit on lot 6 to RL 131 for an additional 9 metres west from Broadcast Way;
- amending the height limit on lot 3 to RL 131.

The proposal also required amendment to the existing VPA for the whole site and a new VPA between Council and the developer in relation to lot 3 and lot 6 only for the changes to the provision of the sports and amenity facilities.

Council considered the report at Attachment 1 on this matter at the meeting of 10th 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.*

In May 2013, the applicant, Lindsay Bennelong Developments proposed to move the Council sports and community centre from lot 3 to lot 6. This was to allow a second Data Centre (similar to the ASX site) to be built on lot 3, following a request from the current data centre owner.

Since this time, Council's Property and Infrastructure Services Officers have been negotiating over design options and site operation details to ensure a suitable solution can be reached to satisfy Council's needs and the long term operation of a Sports and Community Centre that would be a stratum in a community lot, rather than on its own lot.

In November and December, the applicant submitted an amended Planning Proposal to Council, details of which are at Attachment 2.

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Amended Planning Proposal

The November/December 2013 Planning Proposal requests that WLEP 2012 be amended to allow the following outcomes:

- i) A revised location and design for the Sports and Community Centre on lot 6 (rather than lot 3) as a Stratum lot with all car parking for the Centre to be provided on site.
- ii) Lots 5 and 6 fronting the Pacific Highway to be rezoned B7- Business Park to permit the development of office premises;
- iii) 8,470sqm of additional floor space from the approved Development Application on lot 6;
- iv) 6,300sqm of light industrial floor space on lot 3 for a data centre;
- v) Increased height limit to RL 136 for all of lot 6;
- vi) Increased height limit to RL 120 for all of lot 3.

The applicant has submitted a table comparing the existing Development Approval, previous Planning Proposal and the amended Planning Proposal (Attachment 3).

Issuesi) **B7 BUSINESS PARK ZONE**

Council Officers have previously supported the proposal to increase the floor space ratio and to amend the zoning to B7 –Business Park on the two lots (5 and 6) fronting the Pacific Highway. As stated in the previous report to Council it would still permit uses consistent with the IN2 Light Industrial zone but would also attract users requiring large campus style A-grade office floor plates which currently locate to areas like Macquarie Park and Rhodes. Consultants, Hill PDA have also noted that the proposed rezoning presents an opportunity to increase business and employment opportunities in the LGA without adversely affecting the viability of the two strategic centres (Chatswood and St Leonards) provided that prospective tenants of the office premises demonstrate that they require and are committed to occupying contiguous floor space of more than 1,200sqm so that they do not compete with the smaller traditional office supply in the City.

ii) **PROPOSED REDESIGN AND RELOCATION OF SPORT AND COMMUNITY CENTRE**

As discussed in the report to Council dated 10 December 2012 a range of community/sport and recreational facilities are to be built on lot 3 through an existing Voluntary Planning Agreement in lieu of Section 94 contributions as part of the original development consent DA 2008/42 (as amended). The Council report dated 10 December 2012 discussed the Proponent's proposal to build a 4 storey sports facility on lot 3. It included 11 netball courts, a community centre, a cogeneration plant, an open roof multi-purpose Futsal court and 155 car spaces in two basement levels. Approximately 220 car spaces were proposed to be provided in an additional basement level in Building D on lot 6 and made available for sports users on weekends and after hours during the week and to users of the building on lot 6 on weekday business hours.

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The amended Planning Proposal (November/ December 2013) is for the Sports and Community Centre to now be constructed on lot 6 fronting Broadcast Way as one of 3 buildings set on a podium and underground parking.

The plans at Attachment 2 indicate a building with the following features:

- ground floor (on the podium level of lot 6) with reception area/lobby, café, merchandise, shops, admin office/ activity room, community rooms) (min 4m height);
- above the ground floor are proposed to be 3 levels each with 2 courts (9.5m floor to ceiling height) and mezzanine amenities and storage areas, with the roof top containing 2 outdoor courts.
- car parking provision for 177 car spaces would be on one underground level.

The proposed facility including the roof top courts (enclosed with netting) will have a height of RL136 which exceeds the current height limits of RL 122 and RL 131 hence a height amendment to WLEP 2012 is required if the proposal is supported by Council.

Council Officer's Comments

In regard to the revised Sports and Community Centre building, The Manager, Willoughby Leisure Centre has stated:

There is an identified need for an indoor community sports and recreation facility within the Willoughby area that can provide indoor courts, indoor training and indoor sporting competition options to accommodate a wide range of sports and recreational activities both at a local and regional level.

The current demand for indoor sport and recreation areas within Willoughby cannot be met with the existing facilities and the predicted future demand and trends suggest that the demand for these types of facilities will continue to grow.

The need for an indoor community sports and recreation facility has been identified in the Recreation Plan 2013, Willoughby Leisure Centre Master Plan process 2012 and through one on one consultation with approximately fifteen different sporting and recreation associations, state bodies, teams and groups during 2013 by Council officers.

The revised design submitted by Lindsay Bennelong for the proposed facility is superior to previous versions as it addresses a number of constraints that have been identified during the process. This includes the increased floor to ceiling heights to accommodate a wider range of sports and levels of competition, the layout of the facility to accommodate the large volume of people movements and viewing areas and the multi-functional nature of all areas within the facility.

This design accommodates and meets the needs for the predicted future growth of a number of sports including netball, basketball and football and will assist in reducing the current demand and over use of other sporting facilities within Willoughby for example the sportsground ovals.

However, the uncertainty surrounding the delivery and timeframes for the development of this facility has an impact on the proposed redevelopment of the Willoughby Leisure Centre and does not assist with addressing the existing current demand for sporting and recreational facilities within Willoughby that the associations and community are requesting. Council needs to consider how best to manage these two matters given this facility may be some years away from development.

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A separate report on the business paper from the Economic Development Director discusses the financial implications for Council of the new proposal and the proposed new VPA for the Sports and Community Centre construction on lot 6.

iii) PROPOSED INCREASE IN FLOOR SPACE

As discussed in (i) above, Council has accepted an increased floor space ratio to 3.5:1 for the proposed B7 lots 5 and 6. The original Planning Proposal was for 42,845sqm of additional floor space on lot 6. The amended Planning Proposal seeks to increase the floor space on lot 6 to 45,520sqm (excluding the proposed sport and community centre) which equates to 3.64:1.

A Development Application that is slightly more than the previously proposed 3.5:1 can be approved under clause 4.6 of WLEP 2012 (previously SEPP 1) if required, when a detailed Development Application is lodged, provided that the design meets the intention of the control in terms of issues such as bulk, scale, building separation, site cover and traffic generation.

The applicant also requests 6,300sqm (which equates to a floor space ratio of 1.64:1) be permitted on lot 3 for a data centre. It is not necessary to amend the existing floor space ratio control (1.5:1) for lot 3 which is zoned Light Industrial IN2. The use is permitted (and encouraged) in the Light Industrial IN2 zone and a Development Application would be able to be approved for a slight increase in the floor space ratio (subject to assessment of design and amenity issues) using clause 4.6 of WLEP 2012. It is noted that the existing approved Sports and Community Centre on lot 3 although not included in the overall floor space for the site has a floor space of 7,370sqm (calculated under the WLEP 1995 definition) so Council has previously supported a similar sized structure on lot 3.

In summary, it is considered that the previously supported floor space ratio of 3.5:1 for lots 5 and 6 should be retained and there is no requirement to amend the current floor space ratio or controls for lot 3 to enable the proposed data centre to be approved by Council.

iv) HEIGHT

As explained in the attached report dated 10 December 2012 the site is currently subject to the provisions of clause 4.6 (8) (ca) of WLEP 2012. This means that a variation to the height controls under clause 4.6 of the WLEP 2012 (previously State Environmental Planning Policy 1) cannot be approved for a development application by Council.

The amended Planning Proposal requests that the WLEP 2012 Height of Buildings map be amended to a height of RL136 for all of lot 6. However, it is only necessary to change the height to allow the construction of the Sports and Community Centre so the courts can have a floor to floor height of 10.5m. This would require amending the Height of Buildings Map by moving the height limit line from the eastern boundary of lot 6 a distance of 40 metres to the west (a line about halfway north/south through the site) and increasing the height for this section of the site to RL 136 as shown in Attachment 4. This would allow netting to enclose the two roof top outdoor courts. The two other proposed buildings on lot 6 indicated on the concept plan comply with the existing height control of RL122.

Given Broadcast Australia's previous comments opposing a height change it is considered appropriate to only allow the necessary amendment required for the Sports and Community Centre on lot 6.

The proposed height increase of 2m from RL 118 to RL 120 on lot 3 (to allow a lift overrun) is supported.

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The Proposal has also requested the removal of the prohibition of the use of clause 4.6 of WLEP 2012 to vary the height controls on this site.

Since Council considered the initial Planning Proposal in December 2012, advice from Broadcast Australia (owner of the transmission tower) has been received indicating that it will not support a change to the current controls. It advises:

"As you would be aware, the taller the height of the development on the former ABC site, the greater the impact on the strategic value of the tower situated on our land. The height limits incorporated in the Willoughby Local Environmental Plan reflect a compromise (agreed to by the Council, BA, the previous owners and the Department of Planning) between the competing objectives for the adjoining site and the protection of this strategic value. Nothing has changed which changes this situation. BA is unable to support any change to the current controls".

The response from Broadcast Australia does not give supporting evidence for their position. The existing height measurements (and the inability to use SEPP 1/ clause 4.6 to vary them) were imposed by the previous Minister for Planning, Mr Frank Sartor, at the time the former ABC site was rezoned, after the plan was exhibited and sent by Council to the Minister for making. Council was not part of the decision making on this matter.

Other than this site, Council's industrial areas do not have height limits. With the exception of those mandated by the Standard Instrument LEP, this site is the only one in the City that is subject to the restriction under clause 4.6. The Proponent's request to delete the restriction on the use of clause 4.6 of WLEP 2012 for the variation of the building height limitations on the site is supported. An applicant for the variation of a development standard under clause 4.6 is required to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. Hence, should this site no longer be excluded from the use of clause 4.6, any variation to the height development standard will need to consider the impact on the surrounding development including the communications tower and the views of neighbouring properties, including Broadcast Australia. Such an application would be notified to neighbouring properties, including Broadcast Australia.

v) TRAFFIC AND CAR PARKING

The previous Council report at Attachment 1 noted the need to clarify the additional number of car spaces proposed to be provided on lot 6 for the use of the sport facility patrons and whether they could be shared with the existing approved (460 spaces) or whether there should be an additional 220 (or thereabouts) car spaces provided in an additional basement level as indicated in the Planning Proposal.

The concept plans submitted with the new proposal for the Sports Centre on lot 6 proposes 177 car parking spaces for 6 indoor and 2 roof top courts and no shared spaces with the 45,520sqm of floor space for the other development proposed for lot 6. An additional 88 spaces for the two office/light industrial buildings on lot 6 are proposed as well as 47 visitor spaces (595 spaces in total). This would equate to 1 space /76sqm which is higher than the 1 space /84.55 sqm approved by DA2008/42 (as amended) and significantly higher than the WDCP requirement of 1 space/ 110sqm. An increase in the rate of car parking as indicated in the amended Planning Proposal is not supported because it is inconsistent with the original requirement for sustainable transport options for the site. Support for aspects of the Planning Proposal amendments in the WLEP 2012 does not imply support for the concept

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plan and number of proposed car parking spaces which will be a matter for detailed design at Development Application stage.

A revised traffic report has not been submitted with the amended Planning Proposal, however prior to the change to the sports facility proposal on lot 6 and following Council's consideration in December 2012, the applicant submitted additional Traffic analysis requested by Council which considered:

- the change to the B7 zone (to permit offices) on lots 5 and 6;
- the increase in floor space of 5,795sqm on lot 6;
- the proposed additional 220 (or thereabouts) parking spaces to be provided for the use of the sports and recreation facility patrons during evenings and weekdays and made available to the lot 6 occupants during weekday business hours and;
- the operation of the parking for the sports facility at changeover times.

Council's Group Leader, Traffic and Transport reviewed the additional traffic analysis and advised that he was able to support the initial Planning Proposal. Relevant comments from Council's Group leader are included in italics below (under the traffic/access issues subheadings) and should be considered in conjunction with the previous Traffic comments made in the attached report of 10 December 2012 :

I am aware that the traffic generation rates quoted in the RMS traffic generation guidelines are based upon data that is now quite old and I have read the additional material provided by Transport and Traffic Planning Associates (TTPA) and Lindsay Bennelong (LB) on 9 March, 7 March & 4 March 2013. On the basis of the information outlined in those reports I am prepared to accept that the lower traffic generation figure of 0.6 vph per parking space quoted in the original traffic report in regard to traffic generated from lot 6 is appropriate. On this basis, the SIDRA analysis for the Pacific Highway/Campbell Street and Campbell St/Broadcast Way intersections are accepted.

a) Sports Centre Parking

The Sports Centre proposes the provision of 8 courts rather than 14 courts as was originally proposed. This is supported as it will significantly reduce both the traffic generated by netball and other sports and will also reduce the parking demand associated with such uses.

As a minimum, the netball activities at Bicentennial Reserve do however generate a parking demand of 20 spaces/court (i.e 379 spaces occupied divided by 19 courts= 20). For the 8 courts proposed on the Gore Hill Technology Park the generated parking demand would therefore be at least 8x20 or 160 spaces. This parking demand would be met satisfactorily by the 177 spaces on lot 6. I note that parking surveys provided by the developer indicate that parking availability on-street is already low on weekends in streets around the development site and, as such, a reliance on on-street parking as was originally considered appropriate by myself will not in practice be a reality.

Weekend parking demand and traffic generation may be able to be reduced and/or dispersed by amending the existing VPA (for lots 1-6) to provide for operation of the shuttle bus on weekends. If this were done the shuttle bus would need to operate from 9am until approx. 5pm on Saturdays at no less than a 10 min frequency with the bus circulating on a fixed route between St Leonards station and the Technology Park with some stops along Herbert Street and Frederick Street to collect passengers.

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The previous Planning Proposal had 694 spaces of which 224 were to operate as public parking on weekdays and revert to Sports Centre parking on weekends. This new proposal is for 772 spaces including 177 which are allocated for use by the Sport Centre. There are an additional 150 car storage spaces indicated on the plans.

Traffic generation from the previous proposal was calculated on the basis of 0.6vtph/space or 416 trips. Using this rate the traffic generation for the amended Planning Proposal would be 463 trips. Therefore the increased parking supply would generate an additional 47 trips/hr in peak periods.

The applicant's traffic consultant argued that this traffic generation rate was highly unlikely to be reached in practice based upon the constrained parking supply. It is however noted that parking supply is increased under the amended proposal and, as previously stated by the developer's traffic consultant "the reality and the generation rates suggested by Council are only experienced when there is a high level of parking provision. Even if there is some offsite parking the generation rate will still not approach 0.60 vtph per parking space provided" Given that the parking space ratio has increased from 1space/88sqm to 1space/76sqm the generation rates may now be cause for some concern.

It is however noted that the RMS has recently released revised traffic generation rates for various types of development. One of the development types examined is "business park". The rates quoted for business park within the Sydney Region vary, in the AM peak from 0.15 trips per 100sqm of GFA to 1.31 trips per 100sqm of GFA. An average rate for the Sydney Region of 0.52 is quoted. In the PM peak an average rate of 0.56 applies. Using these average rates the traffic generation from lot 6 is less concerning. AM peak generation from the previous planning proposal (42845sqm) at a rate of 0.52vtph/100sqm would be 223 trips and for the PM peak at a rate of 0.56vtph/100sqm traffic generation would be 240 trips. For the new proposal (45520sqm) the traffic generation increases to 237 trips/hr (am peak) and 255 trips/hr (pm peak) i.e an additional 14 and 15 trips respectively. It should be noted however that if a higher traffic generation rate, of nearer to 1 trip/100 sqm (which may be appropriate given the higher levels of parking supply) is used then the traffic generation increases approach those based upon the levels found from comparison of parking supplies.

Having regard to the above it is clear that the increased parking supply and increased floor space of the revised proposal will lead to increased traffic generation from the site. This is contrary to the original basis for the redevelopment of the site which was based on a premise of limiting traffic generation from the site.

Despite the above the increases in floor space and parking, supplies are not likely to significantly impact upon the level of service at the key intersections examined under the previous planning proposal i.e Campbell Street/Pacific Highway and Pacific Highway/Broadcast Way both of which are likely to remain at acceptable levels of operation.

b) Proposed Highway Access

The Planning Proposal includes provision for a through link between the Pacific Highway and Broadcast Way. It is proposed that this link will be known as Broadcast Lane. Although not indicated on the documents provided to Council it was explained to Council officers by the developer that it was intended that Broadcast Lane would operate with One Way traffic flow towards the highway ie there would be no vehicular entry to Broadcast Lane from the Pacific Highway. Provided that this One Way mode of operation is introduced the creation of this lane as a through link is not opposed.

It is also noted that a loading dock capable of accommodating vehicles up to the size of a semi trailer is proposed off Broadcast Lane. Trucks would reverse into the loading dock after

proceeding west along Broadcast Lane and exit again in a forwards direction to the Pacific Highway. This arrangement, while less preferable than having a below ground loading dock is not opposed subject to turning path templates for semi-trailer use being provided with a future development application demonstrating that these vehicles can enter and exit the loading dock from the lane and exit to the Pacific Highway in a forwards direction without encroachment beyond the second traffic lane.

The Roads and Maritime Services (RMS) have reviewed the initial Planning Proposal and indicated conditional approval. **The RMS have advised that no vehicle access is to be provided from the Pacific Highway.** Hence the revised November /December 2013 Planning Proposal will need to be referred to the RMS as it includes access for vehicles.

This access may also be subject to negotiation between the applicant and Broadcast Australia which currently has a Right of Way which must be maintained.

c) Bus/Drop Off Indent.

The Planning Proposal indicates that an indented Bus Bay/Drop Off zone is proposed for the Pacific Highway frontage of the site. The indent is not supported in terms of its impact upon pedestrian and cyclist access along the frontage of the site. The indent proposal would require pedestrians and cyclists who may be proceeding along the highway footpath to deviate from a straight line path of travel onto the Technology Park land and around the rear of the indented bus bay. At the southern end of the bus bay pedestrians have no clearly defined travel path and would then need to walk diagonally across Broadcast Lane in order to access the Pacific Highway footpath again. It is considered likely that many pedestrians would not detour around the bus bay but would continue along a straight line path through the bus bay in order to continue on their journey. This would place them in a dangerous conflict situation with any traffic using the bus bay. The indented bus bay is particularly concerning for the visually or mobility impaired who would find the footpath deviation misleading and confusing.

It is considered that the indented bus bay should be deleted from the planning proposal however, if it does remain a nature strip of no less than 3.6m with a footpath no less than 2.0m must be maintained along the frontage of the site in order to provide sufficient width to allow for the provision of such infrastructure as bus shelters, power poles, parking signs, parking meters etc.

It is noted that a footpath of a width capable of being designated as a Shared Path already exists along the highway frontage of the site. This footpath would be lost if the proposed indent were constructed.

d) Pedestrian Impacts

The proposed indented bus bay is undesirable in terms of pedestrian safety and amenity as outlined above and is not supported. Concern is also raised in terms of the pedestrian impacts of the creation of Broadcast Lane. To ensure that pedestrian safety is maximised Broadcast Lane must be constructed as a driveway across the Pacific Highway nature strip rather than as a road with kerb and gutter. The intersection of the lane with Broadcast Way should be treated in the same way. This ensures that pedestrians will have priority as they cross these road junction points and will also encourage caution on the part of drivers.

e) Disabled parking

There are some 14 disabled parking spaces indicated on the plans. The disabled parking spaces appear to be compliant with the requirements of AS 2890.6 (disabled parking). The

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number of disabled parking spaces is approx 2% of the supply which is in excess of the requirements of the BCA.

f) Motorbike parking

No motorbike parking is indicated on the plans. Motor cycle parking at a level compliant with Council's DCP requirements of 1 space per 25 car spaces should be provided within the carpark.

g) Bicycle parking/showers

A 330 sqm area for bicycle parking and showers is shown on the basement floor plan. It is unclear how many bicycles could be accommodated within this area and what form the showers would take. At least one male and female shower together with a male and female change room should be provided. The bicycle enclosure should be secure and fitted with racks and/or lockers to facilitate storage of bicycles. Details could be provided with a development application.

The suggested issue of weekend bus operation by Council could be further pursued when the Sports and Community Centre is under construction.

From these comments the Planning Proposal for rezoning is not rejected on traffic grounds, however as previously highlighted support for the Planning Proposal does not endorse the layout of lot 6 and design elements and these issues will need to be further explained in the design as the site plans are developed for future Development Applications.

vi) OVERSHADOWING OF THE SITE PARK

The proposed location of the Sports and Community Centre causes considerable overshadowing of the Central Park area of the site as shown on the diagrams. Future Development Applications will need to consider moving the Sports and Community Centre further north on the site.

Design issues such as the final location of the proposed Sport and Community Centre, site access and circulation will be subject to detailed discussion and analysis as part of future Development Applications for the site. Support for the rezoning in no way endorses the proposed design indicated on the concept plans submitted with the Planning Proposal.

Voluntary Planning AgreementsProposed New Voluntary Planning Agreement

A new draft Voluntary Planning Agreement has been prepared which sets out the design, costs and specifications for the Sports and Community Centre and the basement car park to be provided on lot 6 in lieu of the existing DA 2008/42 and VPA for the facility on lot 3. The specifications for the Sport, Recreation and Community facility and the public car parking have been provided by Council's Willoughby Leisure Manager, council's previous Infrastructure Services Director and Council's consultants on Recreation Planning and Quantity Surveyor.

Due to the new proposal on lot 6, the draft VPA needs to consider property management and operational issues associated with the Council facility to be a stratum of lot 6, as well as part of the overall site community title as part of lot 6.

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The economic value, property issues and the proposed new VPA is discussed in the Economic Development Director's report to Council on this Business Paper.

Should the proposed new VPA and the recommended Planning Proposal be supported by Council, the two should be exhibited together.

The existing VPA (for the whole of the site including lots 1-6) will also need to be amended to reference the proposed new VPA for the Sports and Community Centre to be constructed on lot 6 not lot 3. This is the subject of a separate report to Council from the Director of Economic Development.

Willoughby Development Control Plan

It is proposed to amend section 1.5 of the Willoughby Development Control Plan (WDCP) relating to the Gore Hill site to be consistent with the proposed WLEP 2012 amendments and to exhibit the draft WDCP with the proposed WLEP 2012 amendments.

Final Planning Proposal for Referral to the Gateway

The outstanding traffic generation issues reported to Council in December 2012 relating to the Planning Proposal are considered to have been resolved as outlined in this report. However, the November/December 2013 proposal with access to the Highway from lot 6 may not be supported by the RMS. The bus stopping bays are not supported by the RMS or Council Officers. The design will need to be amended as the development proposals for lot 6 are further developed prior to a development application.

- (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

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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.

Conclusion

During 2013, negotiations have been undertaken between Council Officers and Lindsay Bennelong Developments to resolve outstanding issues for the site to facilitate the development of the proposed Council Sport and Community Centre.

An amended Planning Proposal for the Gore Hill Technology Park site at Pacific Highway has been submitted to Council in November/ December 2013. A new draft VPA has been developed with the applicant by Council's Economic Development Director and is the subject of a separate report to be considered by Council in conjunction with this report.

Council has previously supported the proposed rezoning of the Pacific Highway lots 5 and 6 to B7 Business Park to permit office premises and the increase in floor space ratio. The previous outstanding planning issue of traffic generation has been sufficiently addressed by the applicant's Consultant Study, and the new proposal will result in less traffic generation from the site.

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The new Planning Proposal design issues (such as access proposed from lot 6 to the Pacific Highway and from Broadcast Lane that have been identified and overshadowing of the park) will need to be further addressed during the Development Application process.

The final Development Application design for lot 6 may look very different to the concept plans submitted with the Planning Proposal.

The proposed change to the height limit proposed for lot 6 has not been supported by the adjacent owner, Broadcast Australia. This is not considered to be justified and it is recommended that Council support the proposed height change for part of the site to allow the layout indicated in the Planning Proposal, ie the sports and community facility at RL 136 and two other buildings at RL 122. It is also recommended that Council support the removal of the limitation to any height amendments on the site using clause 4.6 of WLEP 2012. If the proposal to amend the height limit is unsuccessful with the Gateway, the Sports and Community Centre will need to be redesigned.

Council's Willoughby Leisure Manager has supported the proposal for the construction of 8 netball courts, community facility and associated facilities on lot 6. Council's Economic Development Director has supported the proposal and has recommended a new VPA in a separate report to Council.

It is recommended that Council support the proposed amendments to the WLEP 2012 outlined in this report and refer the Planning Proposal with amendments to WLEP 2012 as discussed in this report to the Gateway for consideration for public exhibition.

OFFICER'S RECOMMENDATION

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 I.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.

ATTACHMENT 2

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GENERAL MATTERS

20.3 PLANNING PROPOSAL FOR GORE HILL TECHNOLOGY PARK
(PREVIOUS ABC SITE), PACIFIC HIGHWAY, ARTARMON

ATTACHMENTS:	1. SITE PLAN AND LOCALITY PLAN 2. LOT 6 CONCEPT PLAN 3. LOT 3 PROPOSED SPORTS CENTRE 4. EXTRACT FROM WLEP 2012 B7 AND IN2 ZONES – LANDUSE TABLES.
RESPONSIBLE OFFICER:	LINDA MCCLURE, STRATEGIC PLANNING MANAGER
AUTHOR:	JANE HOSIE, STRATEGIC PLANNER
DELIVERY PROGRAM ITEM:	5.1.7 INTEGRITY OF LOCAL INDUSTRIAL AREAS IS MAINTAINED
MEETING DATE:	10 DECEMBER 2012

Purpose of Report

This report reviews a request by BBC Consulting Planners on behalf of Lindsay Bennelong Developments (LBD) to prepare a Planning Proposal relating to Lots 1, 3, 5 and 6 in DP 270714 that form part of the Gore Hill Technology Park at 219-247 Pacific Highway, Artarmon (now known as 1-6 Broadcast Way).

In summary, the Planning Proposal is to enable the following outcomes:

- i) Large floor plate office development on Lots 5 and 6 fronting the Pacific Highway;
- ii) additional floor space on Lot 6, the site on the corner of the Pacific Highway and Campbell St;
- iii) a larger sports facility on Lot 3 to be owned by Council with additional parking for the sports facility to be provided on lot 6.

This report outlines the proposal and issues that require further information and resolution prior to referral to the Department of Planning and Infrastructure for exhibition. It is recommended that Council support the proposal in principle, subject to the satisfaction of the outstanding issues to be resolved and that Council develop with LBD a new draft Voluntary Planning Agreement (VPA) and an amendment to the existing VPA for the site.

It is proposed that the matter will be reported again to Council in early 2013 with the final planning proposal to be recommended for public exhibition and draft VPAs to be exhibited with the final planning proposal.

Site and Context

The Gore Hill Technology Park is identified as lots 1-6 in DP 270714 (Gore Hill Community Scheme.) It is located on the south eastern corner of Campbell Street and Pacific Highway. It is the redevelopment site of the former ABC television studios and was identified as the ABC Gore Hill site in WLEP 1995. It has a total site area of 46,342m², with approximately 300m frontage to Pacific Highway, which excludes the Communication Tower (Lot B, DP 444493) currently owned and maintained by Broadcast Australia. The site's frontage to

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Campbell Street is approximately 200m. A location and site plan are included as Attachment 1 to this report.

The site is at a strategic location on the Pacific Highway, and is a key development site in close proximity to the Artarmon Industrial Area, adjoining North Shore TAFE and the Royal North Shore Hospital. Land located to the north of the site along the Pacific Highway is zoned B7 Business Park under WLEP 2012.

The redevelopment of the site was approved by Council with Development Consent DA2008/42 (as amended). The approved development is an industrial park comprising four distinct building areas, generally identified as A, B, C & D. Pod A predominantly contains industrial units of various sizes; Pod B comprises Building B, Council's Sports and Recreation centre (subject of a Voluntary Planning Agreement) and Building B1, an approved data centre; Building C is an approved high tech industrial building and Building D is approved for a mixed use building with combination of Motor Showrooms, light industrial warehouse, and high-tech industries. (As shown on the Site Plan at Attachment 1)

The approved development prior to subdivision has a floor area of 82,837.68m² (FSR 1.79:1) and 980 car parking spaces (1 per 84.5m²). The current WLEP 1995 and draft WLEP 2012 controls permit 1.5:1 FSR and 1 car parking space per 100sqm.

Development consent DA2011/163 approved the subdivision of the development site into 6 lots (including one (lot 1) community lot for the approved serviced road, Broadcast Way and publicly accessible park/passive recreation area, and five (lots 2-6) development lots). The community subdivision scheme is identified as the Gore Hill Community Scheme.

Current Site Status and Development

The approved development shown on Attachment 1 has been under construction since 2008.

The required Campbell St/ Pacific Highway intersection upgrade as well as bulk earthworks and drainage have been completed.

Lot 1 comprises the spine road known as Broadcast Way which has been completed and will eventually include a central park. It includes 20 car spaces (which are not attached to a specific building) and is accessible from Campbell Street and the Pacific Highway at the southern end of the site.

Lot 2 is currently vacant and is owned by Hydrox nominees who submitted a planning proposal (2011/01) which was refused by Council in December 2011 for a Masters Home Improvement Centre. Lot 2 has an area of 1.063ha and approximately 75m frontage on Campbell Street (near the Clarendon Street roundabout). The basis for the refusal included that the use being classified as large floorplate bulky goods retail does not recognise the importance of the Gore Hill Technology Park in the metropolitan, sub regional and local strategic planning framework. It did not satisfy the net community benefit test, it was contrary to the specific master planning requirements for the site and encouraged car dependency on a site strategically located and designed to support green travel.

Since Council refused Planning Proposal 2011/01 the applicant for Masters has requested that it be reviewed by the Planning and Assessment Panel (PAC) which is currently considering the matter.

Lot 3, the location of approved building B is to be dedicated to Council for a community and sports facility as part of a Voluntary Planning Agreement and is currently vacant.

Building B1 (lot 4) is owned by Securus and has been approved for fit-out and occupation for the purposes of a datacentre by Securus and the Australian Stock Exchange (ASX).

Building C (Lot 5) is an approved high tech industrial building nearing completion and is owned by Growthpoint. Fox Sports are approved to occupy 7,363sqm, 50% of the building for television production.

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Lot 6 on the corner of Campbell St and the Pacific Highway is presently vacant with the exception of an existing building (previous ABC) used for a site office and which will be demolished in due course as the site is developed.

As stated previously the current Planning Proposal relates to Lots 1,3, 5 and 6.

Relevant history of Planning Controls for the site (Former ABC site)

There is a long history of strategic planning for the subject site following its divestment by the Commonwealth government.

A Deed of Agreement was entered into in 2005 between the previous owners of the site, Gore Hill Industrial Park Pty Ltd and Council. The Agreement required the provision of sustainable transport solutions including the provision of a campus bus, the provision of a community facility to be dedicated to Council and the granting of a right of way providing pedestrian and cycle access between the site, Royal North Shore Hospital, TAFE and the nearest railway, St Leonards station, as well as a heritage installation.

WLEP 1995 (Amendment No 44) was gazetted in 2006 and Council adopted a new Development Control Plan No.33 for the former ABC site (now part I.7 of WDCP). This followed extensive community consultation and planning studies to establish controls that recognised the strategic importance of the site as a high technology park. A new 4(c) Business Park zone was created for the site, (later renamed to Industrial Park), with high technology industry permissible in the zone. Site specific development standards applying to the site were contained in Clause 46A of WLEP including a maximum 45% site cover, max 1 car space per 100sqm of gross floor area and height controls.

Council also undertook a major strategic review of the industrial areas at East Chatswood and Artarmon in 2003. The "Willoughby Industrial Areas Study" was completed by SGS Economics and Planning Pty Ltd in 2004 on behalf of Council and involved extensive consultation with land owners and occupiers of industrial land. Subsequent to the Study, Amendment No 60 of WLEP 1995 was gazetted in July 2007, which:

- introduced new objectives for the industrial areas;
- replaced the Business Park 4 (c) zone with the name Industrial Park 4 (c) zone;
- rezoned land in Herbert St and on the corner of Campbell Parade and Pacific Highway (previously a service station, next to the ABC site) from 4 (a) to 4(c);
- permitted high technology industry in the 4 (c) zone, originally introduced for the ABC site at Artarmon.
- amended the floor space ratios from 1:1 to 1.5:1 for sites greater than 1,000 sqm in the Artarmon industrial area.
- deleted the restrictions on the amount of ancillary office and showrooms permitted for all the industrial areas except for the area bounded by Campbell Street, Clegg St, Herbert St, the Gore Hill Freeway and Pacific Highway which was increased from 20% to 30% maximum for ancillary office and showrooms.

Current Planning Controls- draft WLEP 2012

Draft WLEP 2012 zones the Gore Hill Technology Park site IN2 Light Industrial. Stand alone office premises are not permitted in the zone. An extract from the land use table of the IN2 Light Industrial zone which outlines the objectives and permissible uses is included as Attachment 4. This zone was chosen as there is no Industrial Park zone in the Standard Instrument LEP which is equivalent to the WLEP 1995 4(c)- Industrial Park zone. The site coverage requirements of 45% for the existing 4(c) area are retained in draft WLEP 2012 clause 4.4A (5).

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WLEP 2012 lists specific additional uses permitted with Council consent for the subject site in Schedule 1. They include: *food and drink premises, function centre, health services facilities, restaurants or cafes and telecommunications facilities.*

Earlier versions of the draft WLEP 2012 (WLEP 2009) transferred the existing special provisions for the former ABC site from WLEP 1995 into the standard instrument LEP however they were later removed by the Department of Planning and Infrastructure. Part 1.7 of the WDCP retains the provisions previously included in WLEP 1995 such as design guidelines and car parking.

Heights prescribed by WLEP 1995 and retained in draft WLEP 2012 on the subject site are RL 118, RL 122 and RL131. These controls were imposed by the Minister for Planning in consultation with Broadcast Australia (who own the adjacent communication tower) when the site was originally rezoned in 2006.

The site is subject to Clause 4.4 A5 (Area 6) which enables a floor space ratio of 1.5:1 for sites above 1,000 sqm provided the site coverage does not exceed 45%. As stated previously the site has development approval for a floor space ratio of 1.79:1 across the whole site (lots 1-6), approved prior to the site's subdivision.

During exhibition of the draft WLEP 2009 and draft WLEP 2012, submissions were received from the Proponent (current owners of the Gore Hill site, Lindsay Bennelong Developments), objecting to the proposed IN2 – Light Industrial zoning of the site, and recommending that a business zone, B7 - Business Park would be more suitable. The request to change the zoning of the site was not supported. The site was considered important for providing innovative opportunities for high technology and employment activities in close proximity to the specialist centre of St Leonards. The potential loss of industrial land was also considered to be inconsistent with the Metropolitan Plan for Sydney, Section 117 Direction 1.1 Business and Industrial zones and the Employment Lands Development Program. There was also concern that allowing business premises and office premises on the site had the potential to compete with the established centres of Chatswood and St Leonards. Such a change is only appropriate to consider through a detailed Planning Proposal submitted with adequate justification and public exhibition.

Planning Proposal

The current Planning Proposal clarifies the Proponent's previous submissions to draft WLEP 2009 and draft 2012 by providing greater analysis of the site and its potential role in the strategic planning of the City. The specific aspects of the Planning Proposal are discussed below.

Concept plans (Attachment 2) submitted with the Planning Proposal for Lot 6 illustrate the intent for redevelopment of the site and why the Planning Proposal is required to amend the draft WLEP 2012. The Proponent intends to construct three distinct buildings above a podium with three basement levels (including two levels of basement car parking and a warehouse level.) The drawings indicate that a range of office floor plates could be provided mostly between 1,000sqm to 1,800sqm. The concept plans indicate that buildings fronting the Pacific Highway and Campbell St would be seven storeys. The building at the rear adjacent to Broadcast Way would be ten storeys with a portion (1,280sqm) exceeding the RL122 height control. Office premises are not permissible under the existing and proposed planning controls. The total floor space proposed on lot 6 exceeds that approved for the site as building D under the development consent and as permitted under draft WLEP 2012.

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The existing WDCP controls require that buildings above four storeys would need to be highly modulated and articulated to create an interesting character. It is considered that this could be achieved through the development application process.

According to information provided by the Proponent, the revised building D would have a lower site coverage (61%) than the approved building D (64.2%) and comply with WDCP setbacks from the Pacific Highway, Campbell St and the communications tower to the south. Hence to achieve the development proposed in the concept plans for lot 6, the existing height and density (FSR) development controls and permissible uses need to be varied.

(a) Proposed Zoning

The Planning Proposal requests that the site retain its IN2 Light Industrial zoning but that *office premises* be included as an additional use in Schedule 1 of WLEP 2012 for lots 5 and 6 (adjacent to the Pacific Highway)

Specifically, the Planning Proposal seeks to:

1. Allow office premises as a permissible use in the existing Building C (lot 5) which will shortly be 50% occupied by Fox Sports. Should the Planning Proposal be supported, the resulting potential office premises for the whole building would be in the order of 14,720 sqm and;
2. Allow office premises as a permissible use on lot 6. Lot 6 is presently approved for 37,050sqm GFA (not 39,597sqm as stated in the Planning Proposal). The Planning Proposal now seeks to increase the GFA to 42,845sqm (not 46,132 as stated in the Planning Proposal) in order to build three distinct buildings in a business park/campus style as illustrated by the concept plan discussed above and illustrated at Attachment 2. This is an increase of 5,795sqm (not 6,535sqm as stated in the Planning Proposal).

The Planning Proposal, subject to Council's support, could provide approximately 57,565sqm of potential office premises.

In justifying the Planning Proposal the Proponent states that whilst lot 4 (known as building B1 owned by Securis and used as a data centre) and part of lot 5 (known as building C owned by Growth Point and occupied by Fox Sports for television production) have been developed for uses that are consistent with the current Light Industrial IN2 zone, the site has been unable to attract end users that are permitted in the IN2 Light Industrial zone for the remaining part of lot 5 and all of lot 6. The Planning Proposal however notes that there has been interest from organisations requiring offices with large floor plates who have located elsewhere outside the Willoughby Local Government Area such as Macquarie Park and Rhodes.

In support of its request for office premises to be permitted on lots 5 and 6 the Proponent has included an economic analysis prepared by Knight Frank which supports the addition of large scale office premises on the site. The Knight Frank analysis has been peer reviewed by Hill PDA on behalf of Council. Hill PDA's report states that there is a case for permitting large scale office premises (greater than 1,200sqm) on lots 5 and 6.

Hill PDA supports the proposition by the Proponent and Knight Frank that there is difficulty for the highway sites to attract tenants who satisfy the land use controls of the IN2 Light Industrial zone.

It states: "*The issue raised by Knight Frank appears to be valid as our research indicates that high technology and light industrial users are increasingly seeking to co-locate office*

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premises with industrial uses. The existing IN2 zoning of the site prevents office premises and therefore significantly limits the pool of potential tenants."

Although there is agreement from both Hill PDA and Knight Frank that attracting purely Light industrial uses to the site is difficult, Council must consider the impact on the existing centres particularly on Chatswood and St Leonards if office premises are permitted on lots 5 and 6 and the impact on their role as employment lands in the Metropolitan Plan 2036.

In this regard both Hill PDA and Knight Frank outline the following characteristics of the Chatswood and St Leonards markets which leads them to conclude that it is unlikely office premises on lots 5 and 6 would undermine the viability of the existing centres. They acknowledge that Chatswood and St Leonards are prestige markets (having 284,555sqm and 366,461sqm of office area respectively) and they have significant employment roles in the region. However they also note that both centres lack stocks of premises with over 1,000sqm floor plates and there are no significant applications recently approved or in the pipeline which will add to the supply. They also note that Chatswood is increasingly being regarded as a residential /retail centre which detracts from its key office attributes. Additionally, both Chatswood and St Leonards have high rents compared with areas like Macquarie Park, Ryde and Rhodes and organisations requiring large floor campus style accommodation are price sensitive.

Hill PDA states that should the subject sites be developed for large scale office use they are unlikely to have a significant impact on Chatswood and St Leonards as these sites represent only about 8-9% of the office market. It concludes that the Proponent has made the case for the provision of A grade, green-star rated, campus style commercial office floorspace to be provided on the subject sites as Knight Frank have undertaken market research (on behalf of LBD) to show that there is a lack of office facilities with floorplates of more than 1,000sqm within the existing Chatswood and St Leonards Centres.

Hill PDA explains that its independent analysis of the market and existing stock / opportunities presented within the Chatswood and St Leonards / Crow Nest office precincts supports this position.

Whilst supporting campus style office premises on the subject site, Hill PDA emphasises the need to ensure that it does not compete with the traditional scale office floor plates (less than 1,000sqm) currently available in Chatswood and St Leonards which are important employment centres.

Hill PDA advise that the proposed rezoning and development of the site, subject to the application of specified controls, would present an opportunity to increase business and employment opportunities in the LGA without adversely affecting the viability of the two strategic centres. To achieve this outcome, Hill PDA suggest that lots 5 and 6 be rezoned to B7 Business Park (consistent with the same zone as the nearby Pacific Highway sites in Artarmon) and that Council applies a new local clause in the draft WLEP 2012 that requires prospective tenants of office premises to demonstrate that they require and are committed to occupying contiguous floorspace of more than 1,200sqm.

According to Hill PDA " *the successful application of such an approach would create a competitive market for business parks in alternative locations within the Inner North whilst creating a point of difference between the type of commercial space located on the subject site and within the Chatswood and St Leonards Centres. This could in turn create a complementary investment opportunity for a major organisation in the economic corridor between the Centres thereby helping to reinforce and reinvigorate the attraction and proposition of the LGA as a place to invest.*"

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Further discussion of the Planning Proposal and its relationship to the relevant strategic planning framework is discussed later in this report under Department of Planning and Infrastructure Guidelines.

Under draft WLEP 2012, the existing B7- Business Park zoned land in Artarmon is located north of the site along the Pacific Highway frontage. The B7 zoned land has a floor space ratio of 1:1 with sites greater than 1,000sqm able to achieve 2.5:1. The objectives and land use table of the B7 zone are outlined in the extract from draft WLEP 2012 at Attachment 4.

Hill PDA favour the B7 zone Business Park zone for lots 5 and 6 (rather than retaining IN2 zone and including the addition of office premises use for lots 5 and 6) for the following reasons:

1. Light industrial and high technology uses would still be permitted with consent within the B7 zone. Accordingly any proposed changes to the zoning of lots 5 and 6 would not prevent the potential for these uses, nor undermine the objective of the Draft Inner North Sub Regional Strategy which states that *"development of the Gore Hill Technology Park will further support the development of high tech clusters within the Subregion."*
2. Further, the B7 Business Park Zone would extend the range of permissible uses on the subject site and thereby improve the prospects for successfully tenanted existing and future buildings;
3. Lots 5 and 6 are located adjacent to the proposed ribbon of B7 Business Park zoned land along the Pacific Highway. The rezoning of the subject site would thereby create a logical extension of this zone along the Highway to the boundary with the TAFE Site;
4. The adjacent TAFE and North Shore Private Hospital sites could create an appropriate synergy with the subject site and its potential office tenants. The TAFE could act as an industry magnet reinforcing St Leonards' role in accordance with the characteristics of a business park to *"Build on existing knowledge clusters such as universities and hospitals."* (Draft Inner North Subregional Strategy.) Similar to specialised centres such as Westmead, campus style accommodation in this location could facilitate predominantly office based bio-medical and research tenants reinforcing the nature of the specialised centre.
5. The rezoning of lots 5 and 6 only would still allow for a transitional buffer of light industrial land / uses to the rear of the subject site (along the eastern boundary) with the IN1 General Industrial Zone of the Artarmon Employment Lands;
6. The Planning Proposal and the attraction of a major tenant would act as an investment stimulus and incentive for the redevelopment of the smaller lots located along the Pacific Highway within the proposed B7 Business Park corridor. This may be an important catalyst for the investment in and thereby amalgamation of these smaller sites to realize their development potential as a higher employment yield business park; and
7. The Planning Proposal would increase employment densities and business options within the Global Economic Arc consistent with the Actions of the draft Inner North Subregional Strategy.

As stated previously, whilst supporting a B7 zoning for lots 5 and 6, Hill PDA are concerned to ensure that there is limited impact on the competitiveness of Chatswood and St Leonards identified as a major centre and specialised centre and recommends that a local provision be included in draft WLEP 2012 for the subject lots 5 and 6 as follows:

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- (1) *This clause applies to Lots 5 and 6 of 219-247 Pacific Highway, 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 CBDs; and*
 - c. *The development would not detrimentally affect the viability of the Chatswood or St Leonards office precincts.*

Hill PDA do not recommend this as a wholesale change to the objectives of the B7 Business Park Zone as it could preclude smaller scale uses that are already permissible within the Business Park Zone coming forward on smaller, more fragmented sites (such as those already proposed as B7 Business Park adjacent to the subject site along the Pacific Highway where Council is endeavouring to encourage consolidation of small sites to 1,000sqm with a floor space bonus).

From the analysis provided by Hill PDA, Council Officers support the B7 zone as the most appropriate for lots 5 and 6 on the Pacific Highway and the retention of IN2- Light Industrial on the lots 2,3 and 4.

(b) Floor Space

The Proponent intends to attract tenancies looking for campus style development requiring large office floor plates. In order to provide such accommodation additional floor space is requested.

There are two aspects concerning the provision of floor space that are relevant to the assessment of the Planning Proposal. The first is the impact of an additional 57,565sqm from Lots 5 and 6 of potential office space on the existing centres of Chatswood and St Leonards and the loss of Light Industrial IN2 land as previously discussed in (a) above. The second aspect is whether 5,795sqm of extra floor space on lot 6 will be consistent with the objectives of the Master Planning for the site and the WDCP provisions in terms of its design including building envelope, setbacks, site cover and building articulation. Preliminary assessment of the concept plans indicates that the design could comply with the WDCP provisions. However, as noted above, the concept plan for lot 6 does not comply with the height and FSR controls of draft WLEP 2012.

The existing site is subject to a floor space ratio control of 1:1 in WLEP 2012. It is also located in Area 6 of clause 4.4A of WLEP 2012 which allows development up to 1.5:1 for sites above 1,000sqm. The Planning Proposal requests the draft WLEP 2012 be amended to allow a FSR of 3.7:1 for lot 6. The FSR required to allow the total floor space of 42,845 sqm on lot 6 with a site area of 12,510sqm is approximately 3.5:1 (3.425:1).

As previously stated, prior to the subdivision, the entire technology park was approved with 82,837sqm or a floor space ratio of 1.79:1. The approved floor space is not distributed evenly across the site with building D on lot 6 having a FSR of 3:1 and building C on lot 5 having a FSR of approximately 3.5:1 (3.43:1).

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Now that the site has been subdivided it is more relevant to determine an appropriate FSR for the individual lots 5 and 6 particularly with the recommended B7 zoning for these sites for potential office development and large floor plates. A larger FSR will also ensure an economically viable development that can offset the provision of the proposed larger Council sport and recreation facility on lot 3 (discussed below) which is a community benefit.

It is proposed that subject to resolution of traffic and height issues (as discussed below):

- lot 6 be included as a new Area 15 on the floor space ratio map with a new provision in clause 4.4A (20) of draft WLEP 2012 –
 - 20. the maximum floor space ratio of a building on land identified as "Area 15" on the Floor Space Ratio Map may exceed 1:1 if:
 - (a) the site area is greater than 12,000 sqm, and
 - (b) the floor space ratio will not exceed 3.5:1, and
 - (c) the site coverage will not exceed 60% of the site area.
- This recognises the existing approval of approximately 60% site cover, rather than the existing control of 45%.
- lot 5 be included as 3.5:1 on the FSR Map in recognition of the existing building on the site.

(c) Height

The current height controls applying to the site were not imposed by Council. They were developed by Broadcast Australia (a private company) having regard to its commercial requirements and the operation of the transmission tower and imposed by the State government when the site was originally rezoned from its former use by the ABC.

In order to facilitate the 9,082sqm additional floor space as proposed and provide the campus style with three buildings above a plaza and podium, the existing height control applying to the site requires a small amendment to allow the whole of the proposed building fronting Broadcast Way on lot 6 to be developed to a height of RL 131. This would require amending the height map by redefining the boundary between the RL 131 and RL 122 areas 9m to the west.

Such an adjustment to the height could normally be potentially justified through an amendment to the development standard through clause 4.6 of the draft WLEP 2012 (replacing State Environmental Planning Policy No.1- Development Standards (SEPP1)). However, when the site was rezoned in 2006 following the relocation of the ABC, the Minister for Planning required the inclusion of a clause in the WLEP 1995 to prevent a variation to the height controls by way of SEPP1. This was to ensure compliance with the height controls determined by Broadcast Australia to protect their existing operations and long term ability to expand operations on the communications tower. This limitation has been retained in clause 4.6 (8) (ca) of draft WLEP 2012.

The Planning Proposal requests that this restriction in clause 4.6 of draft WLEP 2012 be deleted. This request is supported. This is the only site in Willoughby subject to a site specific limitation on the use of clause 4.6 (other limitations are imposed by the compulsory provisions of the Standard Instrument LEP). The transmission towers at Mowbray Rd and the Channel 9 site, also privately owned, have no such limitations on adjoining development to protect the operation (and extension) of the transmission towers and associated infrastructure.

Under clause 4.6 an applicant for the variation of a development standard is required to demonstrate that compliance with the development standard is unreasonable or unnecessary

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in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. Hence, should this site no longer be excluded from the use of clause 4.6, any variation to the height development standard will need to consider the impact on the surrounding development including the communications tower and the views of Broadcast Australia.

Both the Proponent and Council are currently in consultation with Broadcast Australia regarding the proposed amendment to the existing height control for lot 6.

A height increase is also necessary on lot 3 as a consequence of the redesign of the sport and recreation facility, as discussed below.

(d) Neighbourhood Shops

The Planning Proposal requests a variation to the size of neighbourhood shops on Lot 6 to allow greater than the 80sqm prescribed in draft WLEP 2012. This limit applies to all neighbourhood shops in the City. The proponent argues that the original consent for redevelopment of the site (Consent 2008/42 as amended) gives consent for 2,000 sqm of retail floor space and the limit of 80sqm per neighbourhood shop is unduly restrictive.

Neighbourhood shops are a compulsory use under the Standard Instrument LEP for all business, industrial and medium/high density residential zones. A *Neighbourhood shop* is defined as *premises used for the purposes of selling general merchandise such as food stuffs, personal care products, newspapers and the like to provide for the day to day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.*

An increase in the size of such convenience shops is not supported and will undermine existing centres across the City.

Contrary to the assumption in the Planning Proposal conditions 147 and 148 of the existing consent require separate individual development consents for the use of each unit, most of which are classified as ancillary retail (ie ancillary to a permitted use) on the approved plans. The additional uses permitted on the site in Schedule 1 of WLEP 2012 including food and drink purposes, function centre, health services facilities and restaurants and cafes are not limited in size to 80sqm. Therefore, the request to vary the size of neighbourhood shops is not supported. This has been discussed with the Proponent who has indicated that this is now understood and is no longer sought as an amendment to the draft WLEP 2012 as part of the Planning Proposal.

(e) Reference to site Description

The Planning Proposal requests that the property description of the site be amended to reflect the most recent registered title details however this was already updated and the site is referred correctly as Lots 1-6 DP 270714 in draft WLEP 2012.

Proposed Community Sports and Recreation Facility on lot 3.

As part of the original development consent DA(2008/42 as amended), a range of community /sport and recreational facilities are to be built on Lot 3 and delivered by the developer Lindsay Bennelong Developments (LBD) to Council through a Voluntary Planning Agreement in lieu of Section 94 contributions and as required in part by an original Deed of Agreement for the site with the former ABC owners as compensation for the sale of government land. They include:

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- a) A 670sqm community centre valued at \$1,340,000 with 27 dedicated car spaces and 1 bus parking space;
- b) a 6,695 sqm sport and recreation building comprising 3 basketball courts, indoor soccer field, table tennis room, change rooms and amenities; reception and 52 car spaces valued at \$14,850,000;
- c) a Gore Hill Site Shuttle Service valued at \$150,000 per annum.

Since 2008 the sport and recreational needs of the community of Willoughby have been clarified through the Willoughby Recreational Needs Study. Subject to this Planning Proposal for the additional office use and floor space on lot 6, the Proponent, LBD has offered to construct for Council a larger complex (10,000sqm) to provide additional sport and recreational facilities. The revised sport and recreation complex would include: 11 netball courts, a community centre, a co-generation plant and an open roof top multi-purpose Futsal court in a 4 storey building with 155 car parking spaces in two basement levels.

The additional cost of the sport and recreation facility to the developer would be offset by the proposed draft WLEP 2012 amendments. The Proponent states that this larger facility would be a net community benefit resulting from the Planning Proposal increase in floor space for lot 6 and land uses for lots 5 and 6. The sports and recreation facility will also support other uses on the Gore Hill Technology Park and possible additional after hours activity and surveillance on the site.

Council's Infrastructure Services Director makes the following comments supporting the need for a larger sport and recreation complex at the Gore Hill Technology Park site:

- The revised design meets the current demand and future demand for indoor courts in the Willoughby area as identified in the draft Recreation Plan and addresses one of the action items.
- The Willoughby Leisure Centre (WLC) Master plan Process has indicated a critical need for more indoor courts, from all sporting associations and organisations.
- The current two indoor courts at WLC cannot meet the level of demand required
- The needs of the current users of the indoor courts at WLC would not be accommodated at a 6 indoor court facility in the approved facility on lot 3.
- The sport of netball cannot currently grow or expand due to lack of facilities, capacity has been reached on both the indoor and outdoor courts available at WLC.
- This design allows for growth in the sport of netball and relocation
- The relocation of netball resolves a number of other community issues at Small Street - parking, traffic, noise and lack of public transport options
- Provides for the WLC Master Plan development – financially, as Council will not need any additional indoor courts at that site
- The proposed location of these courts is appropriate for large sport days due to its non-residential location.
- The proposal will provide a training facility for all sports – indoor and outdoor,
- The proposal will assist in minimising the current demands and over use of sporting ovals
- This proposal benefits Council by providing the potential for a new agreement guaranteeing a specific timeframe for delivery. The current VPA has a broader timeframe for delivery.

Following the review of the concept plan (Attachment 3) for the revised sports facility several design issues have been identified to the proponent that require further discussion and

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clarification prior to their formalisation in a revised VPA should the Planning Proposal be supported. The need for higher floor to ceiling heights of 9 metres increases the final height of the building on lot 3 which, to be approved, requires an increase in the height limit permitted under draft WLEP 2012. Council has consulted with Broadcast Australia regarding a proposed increase in the height on lot 3 from RL 118 to RL 131 (as on the adjoining lot 2) which would allow for the increased floor to ceiling heights, roof netting and the lift over run to ensure disabled access on the proposed roof court.

An additional 76 car parking spaces are to be provided on site from the original proposal. Council's Infrastructure Services Director considers that this increase is insufficient for the anticipated volume of car parking required on a Saturday fully utilising the facility for netball. However, additional parking on the site would be unmanageable due to the regular turnover of the spaces and the limited size of the site.

Under the Planning Proposal submitted by LBD, additional car parking spaces for the larger sports facility are proposed to be provided in an additional basement parking level in Building B on Lot 6 with 224 spaces. Originally the planning proposal proposed 300 spaces however 224 spaces have now been proposed for further analysis. This additional basement level is not shown on the concept plans for lot 6. It states that if weekend netball games are staggered on a level-by-level basis in the new facility, the peak parking load and traffic movement may be reduced and demand spread over a larger time span.

The proponent, LBD has proposed that the additional level of car parking spaces would be shared- available for Council's sports facility during weekends and the evenings and for the occupants of the buildings on lot 6 during normal Monday to Friday business hours (including pool, gymnasium and restaurant). For this to occur, the land use of *car park* would need to be added to Schedule 1 of draft WLEP 2012, as the car park would be used for a development on an adjoining site.

Discussion with the Proponent indicates that should Council or the RMS not support the requirement for an additional 224 spaces, then there would be no additional car parking provided for the additional office floor space proposed under the lot 6 concept plan. The Proponent argues this would satisfy Council's objectives for sustainable transport outcomes. This would only be true if the additional spaces for the sports facility are not made available during the day time for the buildings on lot 6. A more sustainable outcome could be for the 460 approved car spaces on lot 6 to be made available through an arrangement with Council for use during the weekend for the Sports Facility patrons (as mentioned in the existing VPA between Council and LBD).

As highlighted previously, Lindsay Bennelong Developments (LBD) would offset the increased cost of constructing the larger sports complex by the change to permissible land uses and the increase in the floor area of the buildings on Lot 6. The cost of providing the additional level of parking on lot 6 for Council's purposes and joint use of the parking spaces is to be a matter for negotiation with LBD should the proposal be supported by Council.

Discussions with the developer and Council Officers regarding the exact arrangements and provisions to be included in Voluntary Planning Agreements have commenced. Should the Planning Proposal be advanced to the exhibition stage, an amended VPA regarding the sports facility and a new VPA required for the provision of the parking on lot 6 would be exhibited with the planning proposal.

Traffic and Car Parking

The Proponent has clarified that building D on lot 6 would provide basement parking for 690 car parking spaces with access from Broadcast way via two entry/exits. Of the 690 spaces,

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460 would account for the existing approved spaces-(there would not be any increase in car parking provision for the additional floor space) and 224 spaces would be made available for sports users on weekends and after hours during the week and to users of the building on lot 6 on weekday business hours as discussed above. The Planning Proposal originally included a proposal for 300 spaces however after discussions with Council Officers it was reduced to 224. There would be 155 car spaces provided on lot 3 for the Sport and Recreation facility (an increase of 76 from the 79 approved with DA2008/42).

Development Consent 2008/42 approved 37,050sqm of floor space in Building D on lot 6 and 460 car spaces. This equates to 1 space/ 80.5sqm (the WLEP 1995 and WDCP requires 1 space / 100sqm). The planning proposal is for 42,845 sqm in total on lot 6 with no additional parking. This would equate to 1 space/93sqm however with the availability of another 224 spaces during business hours as proposed, the car parking rate would be 1 space/ 63sqm for lot 6 which is a less sustainable outcome that will generate more traffic and impact on the operation of the site bus during the week.

The Proponent has included a Traffic and Parking Analysis prepared by Transport and Traffic Planning Associates which notes:

- i) Traffic flows along the Pacific Highway have reduced as a result of the opening of the Lane Cove tunnel;
- ii) traffic surveys recently undertaken at the Pacific Highway/Campbell St intersection indicate that flows along the Highway on survey days were up to 17% less than they were in 2007;
- iii) the site is well serviced by public transport including the Artarmon Loop bus service which is free and the service will be increased in accordance with the Gore Hill VPA from January 2013.

In relation to parking provision, the Proponent's traffic study compares the existing development consent for the whole site including lots 1-6:

- 2008 approved with 82,837sqm and 980 spaces;
- Current Planning Proposal requesting 89,372sqm and 1,280 spaces including 300 additional spaces proposed on lot 6 (224 spaces) and lot 3 (76 spaces).

In terms of traffic generation, the Proponent's traffic study states that previous schemes in 2006 generated 860 vehicle trips per hour (vtp) and in 2008 generated 804 vehicle trips per hour (vtp).

The traffic study states that although there will be significant traffic on weekends with the operation of netball courts and gym, the weekday morning and afternoon will continue to be the peak traffic times (because the critical flows along the Highway on weekends are only 70% of the weekday flows and the flows on Campbell St are significantly lower.)

The study predicts, that although most of the potential uses on the Gore Hill Technology Park do not fall into RMS traffic generation criteria, the current planning proposal is likely to generate 716 vtp in the weekday morning and afternoon peak.

The traffic report concludes that the traffic generation at weekday peak periods will be less than previous development approvals for development on the site and that the road and intersection upgrades required for the previous schemes have been implemented.

(a) Comments from Group Leader Traffic and Transport

Council's Group Leader, Traffic and Transport has reviewed the Proponent's Traffic study and concludes that it is inadequate, making the following comments:

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Parking

The development proposes an increase in parking supply of 300 (an additional 224 spaces on lot 6 and 76 spaces on lot 3.)

The Traffic study provides no rationale for the increase in parking supply merely comparing the overall parking rates for the 2006, 2008 and the current planning proposal. It is however stated on the table after page 6 of the traffic report that the increase in parking is required to meet increased demand associated with netball activity on weekends and after hours and goes on to say that this parking would be available for office use during business hours. The Traffic Report does not provide any analysis of the weekend parking demand associated with other uses on the site and also does not provide data on the weekend and after hours parking demand in surrounding streets. The Traffic study also does not examine the parking demand associated with netball use. Comment has also not been provided on why netball cannot use other parking spaces on site that is not required on weekends and after hours.

There are no established parking rates for netball/indoor sports facilities. Based on Council's experience and parking surveys undertaken at Bicentennial Reserve on Saturdays (where there is little public transport use), parking generation and traffic are closely linked. Each netball court generates a maximum of 19 inbound and 19 outbound trips- that is, 38 trips requiring 38 spaces. This figure is reduced if starting times for games are staggered at 20 minute intervals. Hence 11 netball courts proposed at Gore Hill would generate the need for a maximum of 418 spaces and should the Futsal court be also used for netball making 14 courts, a total of 532 spaces.

A survey undertaken by LBD of Saturday parking in the streets surrounding the Gore Hill site indicate availability of 142 vacant spaces (with 70% of car parking being filled). There are also 20 parking spaces available in Broadcast Way. This means that with 142 plus 20 on-street spaces and 155 spaces on lot 3, a total of 317 spaces will be available without additional spaces being provided elsewhere. Therefore, for 11 courts usage, an additional 101 spaces will be required (418-317) and for 14 courts approximately 215 (532-317) additional spaces will be required. Hence the proposed 224 additional basement level would ensure sufficient parking to be available for the new sports facility. This also assumes that little public transport is available to the site.

The issue to be resolved is whether additional parking needs to be constructed or whether parking already approved for the site- 460 on lot 6 can be made available at weekends for sports patrons and whether the shuttle bus can also be made available on weekends.

A more sustainable and economical solution for the Council would be the utilisation/availability of the proposed ancillary car spaces (460) on lot 6 during the weekends for the Sports and Recreation facility on lot 3 and the operation of the shuttle bus, thereby negating the need for any additional car spaces to be constructed on lot 6 for the use of the sports facility at peak useage times and for lot 6 during weekdays. This matter requires further discussion and resolution between Council and LBD before the proposal can proceed.

The existing VPA in relation to the Sports Facility Building states "On completion of the final building, if Council can demonstrate to the satisfaction of the Developer that there is a genuine need for car parking to support the use of community sporting fields in Council's Local Government Area after business hours, then the Parties agree to enter into discussions to reach an agreement whereby the Developer will make available for an agreed fee, car parking spaces to be used for this purpose to Council."

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Increasing parking supply for weekday use will reduce travel by sustainable transport as the ease of finding a parking space will not force drivers to consider other travel alternatives. The VPA requires the provision of a shuttle bus service inherently to reduce traffic generation and the need for parking. Increasing the parking supply for weekdays useage will reduce the likelihood of the shuttle bus service to the site remaining viable and will reduce travel by sustainable and active transport.

It is considered that the proposed increase in parking for the site is excessive and should be reduced to a level that meets the parking requirements of Council's WDCP and WLEP 1995. While it is understood that there is a very high demand for on-street parking in the area, and some relaxation of Council's WDCP parking rates may be appropriate it would be preferable to see the VPA requirements for the shuttle bus strengthened rather than to allow such a significant increase in parking supply. The increase in parking proposed is considered to be excessive, and is considered likely to create problems due to the additional traffic generated by the site.

Traffic Generation

The proposed change of zoning from light industrial to office for Lots 5 & 6 will increase traffic generation from those lots. The RMS Traffic Generating Developments Guidelines state that peak period traffic generation from business parks is around 1.2veh/hr for every 100sqm of office/showroom area plus 1veh/hr for every 100sqm of factory/warehouse area. The guidelines also state that a higher proportion of office space within a business park will increase traffic generation. It is therefore not accepted that the traffic generation from the developed site following the proposed change to the planning proposal (which results in an additional 5,795sqm of office space plus 8 additional netball courts) will be less. This will particularly be the case in light of the proposed significant increase in the level of parking supply which would tend to result in more private motor vehicle trips to and from the site as opposed to use of walking, cycling or public transport.

VPA requirements for Shuttle Bus

Lindsay Bennelong Developments from 3 December 2012 are running their own direct bus to the site from St Leonard's station (as per the original Deed for the site with the ABC) to serve the occupants of the buildings (lots 4 and 5) and site visitors. Hence their financial contribution to Council's Loop bus will be reduced.

Council will continue to operate its 3x25 seater shuttle service until next year at which time a reduced service using 2 shuttle buses will be employed.

Council is currently in discussions with LBD about use of their buses to serve a wider route in the industrial area during off peak daytime hours. Once an agreement has been reached the arrangements will be formally confirmed in an amendment to the existing VPA with Council and LBD.

(b) Road and Maritime Services Comments

The Planning Proposal has been referred to the Roads and Maritime Services (RMS) who have yet to formally respond. RMS officers advised at a meeting with Council officers that it has concerns with the Planning Proposal. In particular the RMS officers advised that further traffic analysis is required from the proponent to ascertain the impact on the capacity of the Campbell St and Pacific Highway intersection from traffic likely to be generated by the proposed increased in floor space and provision of additional car parking.

The RMS also noted concern with the proposed increased car parking provision in the order of 300 (in lots 3 and 6) extra car parking spaces on the Gore Hill Technology Park and their impact on the number of car movements during peak hours and on the proposals for sustainable transport.

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According to the RMS the Planning Proposal is likely to result in the need to remove kerb side parking to minimise disruption to movement in Campbell St and queuing at the Pacific Highway/Campbell St intersection.

(c) Traffic Conclusion

In conclusion there needs to be further discussion of the provision of and access to parking during weekends for the Sports Facility. If additional spaces are to be provided on site, an analysis of the traffic impacts of that additional parking and its proposed availability during weekdays for the occupants of buildings on lot 6, as required by Council's traffic engineer and the RMS, needs to be undertaken by the Proponent's traffic consultants. The potential for the use of the Shuttle bus at weekends is also a factor to further examine in this matter.

Assessment under the Department of Planning and Infrastructure Guidelines.

The following assessment of the Planning Proposal has been undertaken with reference to the document, "A Guide to Preparing Planning Proposals" published by the Department of Planning July 2009. It includes consideration of the justification for the planning proposal, the relevant strategic planning framework, and the likely impacts of the proposal as required by s55(3) of the Environmental Planning & Assessment Act 1979. It has also been considered in conjunction with "A Guide to Preparing Local Environmental Plans" and Circular PS 09-015 "Commencement of Certain Provisions of the EP&A Amendment Act 2008 and EP&A Amendment (Plan making) regulation 2009" also published by the Department of Planning and Infrastructure as outlined below.

SECTION A - NEED FOR PLANNING PROPOSAL*Is the planning proposal a result of any strategic study or report?*

The Planning Proposal did not specifically result from a strategic study or report however the planning proposal includes an economic viability analysis prepared by consultants Knight Frank which has been reviewed by consultants Hill PDA on behalf of Council. They support office premises and additional floor space on the subject site. There is limited opportunity in the existing centres of Chatswood and St Leonards for large companies wanting to consolidate employees and activities in the one location. According to the study the market has come to see the Chatswood town centre as a vibrant hub to live however not the first choice for employment, with large space users discounting this location despite the relative affordability compared to other traditional North Shore office markets.

Chatswood CBD and St Leonards cater for office premises with floor plates less than 1,000sqm and as such there are very limited options for tenants requiring large contiguous floor space. Knight Frank cites the example of Optus who moved to Macquarie Park in 2007 from traditional office space so it could expand and consolidate, reduce costs, provide same floor interaction, state of the art technology and onsite services for staff in corporate head quarters. Knight Frank's analysis concludes that currently there is a lack of this type of Business Park office accommodation within the Willoughby LGA.

The Knight Frank analysis cites building C on Lot 5 as being well placed to provide business park office accommodation having 7,000 sqm of floor space nearing completion. It argues that continuing to prevent the site from being available for office use will mean a loss of employment opportunities for the Willoughby LGA as prospective tenants will locate to areas outside such as Macquarie Park and Rhodes.

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

The proponent recommends retaining the current IN2- Light Industrial zone for the site and adding office premises as a permissible use in Schedule 1 of WLEP 2012. The economic analysis provided in the Planning Proposal from Knight Frank is supported by the Hill PDA report (as discussed in this report) which recommends that a B7 Business Park zone is the most appropriate zone for lots 5 and 6. The proposed amendments to the existing height and FSR controls are also considered the best method of achieving a business park campus style of development on lot 6, with a local clause to ensure large office floor plates. Similarly a change to the height control is required to enable the sports facility on lot 3 to be constructed satisfactorily and the addition of *car park* to the permitted uses on lot 6 to enable some parking for lot 3 to be located on lot 6.

Is there a net community benefit?

The Department of Planning's, *A Guide to Preparing Planning Proposals*, recommends that the Net Community Benefit Test from the Draft Centres Policy should be followed when assessing a Planning Proposal. The Planning Proposal has therefore been considered against the applicable criteria as set down in the guide.

As supported by both the Knight Frank and the Hill PDA studies (discussed elsewhere in this report), permitting office premises on Lots 5 and 6 has the potential to increase business and high tech employment opportunities in the LGA without adversely affecting the viability of St Leonards and Chatswood subject to the provisions outlined earlier that are recommended to be included in the WLEP 2012 as a local clause. A B7 Business zone would also retain the site's importance as Employment land as light industry (including high technology) is permitted in the zone.

A larger sporting complex on lot 3 would provide a material benefit to the community and assist Council's overall planning for and provision of recreational facilities in the City and the lower North Shore area.

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)?

Under the draft Inner North Subregional Strategy, the Artarmon industrial area is identified as Category 1 Strategic Employment lands to be retained. The Draft Strategy has an employment target of an additional 16,000 jobs for the Willoughby LGA. The Planning Proposal will increase the flexibility of employment uses permitted. A B7 Business Park zone as recommended in this report will retain light industry as a permissible use and the additional floor space will enable additional employment to be provided on the two lots.

The amendments to floor space and zoning of lots 5 and 6 will not undermine the integrity of the employment lands themselves nor will they threaten the strength and role of other centres in the sub region (Chatswood and St Leonards) as identified in the findings by Hill PDA and Knight Frank.

The Planning Proposal is also consistent with the Employment Lands Development Program (ELDP) as discussed in section B below.

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

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The subject site is part of the Global and Economic Corridor proposed in the Metropolitan Plan 2036 which extends north and south from the Sydney CBD. The corridor to the north of the CBD extends through North Sydney, St Leonards and Chatswood to Macquarie Park.

It is identified to be "substantial corridor, clustering jobs and economic activity in finance and business services, information intensive industries, global and national transport and multimedia." (pp129)

The Inner North Subregional Strategy identifies the Artarmon industrial area as strategic employment land. It notes that employment land has been under pressure for conversion to higher order employment or residential uses, with significant rezoning over the last two decades and land constraints and high values are likely to limit future provision of employment land in the Inner North.

It states "The Artarmon, East Chatswood and Lane Cove West Employment lands play an especially significant and contributory role to the Global Economic Corridor and have been identified as being of sub regional importance."

As discussed above, it is considered that the proposal will increase employment opportunities on a site identified for high tech industrial. Discussion of the site's relationship with the Sub Regional and local strategic plans is discussed in section B of this report.

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

A B7 Business Park zone for lots 5 and 6 would be consistent with the zoning under draft WLEP 2012 for properties fronting the Pacific Highway immediately to the north that are adjacent to the Artarmon Industrial Area. It would allow for a transitional buffer of light industrial land / uses to the rear of the subject site with the IN1 General Industrial Zone of the Artarmon Employment Lands.

It is a unique site in the City having the opportunity for large floor plates and being located on the Pacific Highway close to other B7 Business Park zone sites, the adjacent TAFE and hospitals. As such it would not provide a precedent for other landowners outside the Gore Hill Technology Park. However it may set a precedent for lot 2, currently owned by Hydrox nominees who are separately seeking a zone change through a review by the Planning and Assessment Commission to allow a Masters hardware outlet. This proposal was not supported by Council as (among other things) it was considered to be an inappropriate location, and reduced higher end employment opportunities. The B7 Business Park zone here would be preferable to large floor plate retailing, however IN2 is considered most appropriate as it provides a buffer between IN1 and B7 land uses.

Have the cumulative effects of other spot rezoning proposals in the locality been considered?

As noted earlier in this report Hydrox nominees submitted a planning proposal (2011/01) which was refused by Council in December 2011 for a Masters Home Improvement Centre. The basis for the refusal included that the use being classified as large floor plate bulky goods retail does not recognise the importance of the Gore Hill Technology Park in the metropolitan, sub regional and local strategic planning framework. It did not satisfy the net community benefit test, it was contrary to the specific master planning requirements for the site, encouraged car dependency on a site strategically located and designed to support green travel and did not provide the higher skilled employment, campus style development sought. Suitable large floor plate retail areas are available elsewhere in the Artarmon and East Chatswood industrial areas for such uses.

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Since Council refused Planning Proposal 2011/01 Masters has requested that it be reviewed by the Planning and Assessment Panel (PAC) who are currently considering the matter.

Should the Masters complex be approved there would be substantial increased traffic and demand for parking particularly on the weekends when users of the sporting complex and patrons of the hardware centre would potentially be at their peak. However, at this time lots 4, 5 and 6 would mostly generate traffic during normal business hours.

What was the outcome of these considerations?

As at 5 December 2012 Council has not been advised of the outcome of the Planning and Assessment Commission review of Planning Proposal 2011/01 for a Masters store.

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

As acknowledged elsewhere in this report Hill PDA advises that the Planning Proposal has the potential to attract a major organisation and job generator to the LGA provided measures are put in place to restrict the nature of tenancies to those genuinely requiring large floor plates by including a local provision in WLEP 2012 so that the traditional office market of Chatswood, St Leonards and Crows Nest remain viable.

The Proponent argues that the site will accommodate large floor space users and companies looking to consolidate their operations, whilst the existing centres of Chatswood and St Leonards, due to current restrictions on these areas, cannot accommodate such companies that require large floor plates.

The planning proposal has the potential for higher employment capacity than the current IN2-Light industrial zoning.

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

This question is not applicable to the subject Planning Proposal.

Is the existing 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?

A Deed of Agreement titled "Deed of Agreement – Gore Hill Site Master Plan" dated 2005 was entered into between Gore Hill Industrial Park Pty Ltd and the Willoughby City Council, when the former ABC site was sold by the Australian Broadcast Corporation. The intent of the Deed is to secure certain planning outcomes for the site such as a right of way across the site providing pedestrian, cycle and certain other access between the site, RNS Hospital, North Sydney TAFE and the St Leonards railway station. The Deed includes provisions for a community shuttle bus service, community centre, rights-of-ways and the heritage installation.

The shuttle Bus Service contained in the VPA with LBD for the approved development, DA2008/42 must at least operate between St Leonards Station and 2 stops within the development site from 7 am to 10 pm on week days. The intention of the shuttle bus service is to better integrate transport and land use. It supports high intensity industries at the site, and reduces car dependency. The recent development consent for the occupation of Building B1 on lot 4 also includes Green Travel Plan requirements to ensure the on-going

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sustainability goals for the redevelopment of the Former ABC site can be achieved, together with on-site cycle ways and pedestrian links.

The site is serviced by existing road infrastructure, with access to the Pacific Highway, a major arterial road and is proximate to the access to the Gore Hill Freeway, Lane Cove Tunnel and M2 Motorway. The proposal has been referred to the Roads and Maritime Services (Former Roads and Traffic Authority) which has yet to provide written comments to Council. However RMS Officers have verbally advised that the additional parking to be provided on lot 6 is not supported and additional traffic analysis should be undertaken by the proponent.

Will the proposal result in changes to 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?

No. The Planning Proposal does not propose additional car parking for the additional floor space to be provided on lot 6. The additional parking is to service the sports facility on lot 3 which will largely be utilised on weekends and after hours. This will not increase travel distances by users as the facility is a subregional one (accessed from North Sydney, Lane Cove and Willoughby Local Government Areas). It replaces facilities at the Willoughby Leisure Centre which has poor public transport and to which car access is the major form of transport due to the nature of the activity.

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 site is located in an established area with existing road infrastructure and services. The proposal is unlikely to have significant impact on any existing government infrastructure or services in the area.

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?

The proposal is compatible/ complementary with surrounding land uses, which includes the planned clustering of high technology industries in conjunction with the adjoining existing education asset, North Sydney TAFE, and major hospital, Royal North Shore Hospital. It is possible that the site could attract tenancies such as predominantly office based bio-medical and research tenants who complement the specialised centre.

The proposal for three buildings in a campus style development with landscaped podium and less site coverage than the existing development consent for lot 6 will improve the public domain.

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

As discussed in this report there is currently a lack of A Grade large campus style office space in the City which impedes the ability for new employment generating businesses locating to the area. The planning proposal will therefore increase choice and provide competition to neighbouring areas such as Macquarie Park, Ryde and Rhodes.

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

The proposal is part of an existing high technology park area and the proposal will increase the viability of this area.

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

There are potential benefits to the LGA from supporting a campus style business park on the site as indicated in the economic analysis submitted with the planning proposal and supported by a review by Council's consultants Hill PDA. Should it not be supported the Willoughby LGA may lose certain businesses that require large floor plates where they can consolidate their activity. The proposal will benefit the two new buildings and uses (ASX, Securis and Fox Sports) on lots 4 and 5, assisting to create a "critical mass" of high level employment on the site.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan strategy and exhibited draft Strategies?)

- Metropolitan Plan for Sydney 2036

The *Metropolitan Plan For Sydney 2036* was released in December 2010. The plan supersedes the *Metropolitan Strategy—City of Cities: A Plan for Sydney's Future 2005* and provides broad strategic directions as "an integrated, long-term planning framework that will sustainably manage Sydney's growth and strengthen its economic development to 2036 while enhancing its unique lifestyle, heritage and environment". The proposal has been reviewed against the relevant objectives/direction of the Metropolitan Plan for Sydney 2036 as outlined below.

Strengthening the city of cities

A2.1 Consider consistency with the city of cities structure when assessing alternative land use, infrastructure and service delivery investment decisions.

A4.1 Protect commercial core areas in key Strategic Centres to ensure capacity for companies engaged in global trade, services and investment, and to ensure employment targets can be met.

Growing & Renewing Centres

B1 To focus activity in accessible centres

B1.1 Plan for centres to grow and change over time

B1.2 Establish appropriate mechanisms in Subregional Strategies to provide Sufficient capacity for commercial development in centres, taking into account identified demand

Comment

The economic studies outline the potential benefits that the Planning Proposal could have in growing, renewing and enhancing centres particular Chatswood and St Leonards. This report specifically discussed the benefits of the B7 Business Park zone.

Transport for a Connected City

C2 To Build on Sydney's strengths by further integrating transport and land use planning and decision-making to support increased public transport mode share.

C2.1 Ensure subregional housing and employment targets are informed by analysis of current and planned public transport capacity availability.

C2.2 Develop modal strategies including rail, bus, walking and roads to respond to growth in demand.

Comment

The proponent addressed matters relating to transport and land use integration. As previously discussed in this report, the redevelopment of the former ABC site was master

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planned with a Deed of Agreement to secure an acceptable level of transport integration with the provision of shuttle bus service to connect to St Leonards Station, and additional cycle ways and pedestrian links. In addition, the Voluntary Planning Agreement accompanying the approved development, DA2008/42 at the site further strengthened the transport arrangements and cycle and pedestrian facilities for the redevelopment of the former ABC site.

Growing Sydney's Economy

E1 To ensure adequate land supply for economic activity, investment and jobs in the right locations.

E1.1 Reflect new subregional employment capacity targets in Subregional Strategies and Local Environmental Plans.

E1.2 Establish an Employment Lands Task Force to promote and ensure the orderly development of Employment Lands.

The comments made in the economic review of the Planning Proposal by Hill PDA in relation to employment are supported. Refer to further discussion below regarding the Employment Lands Development Program (ELDP) and Draft Inner North subregional strategy.

Tackling Climate Change & Protecting Sydney's Natural Environment

G3 To integrate environmental targets into land use planning

G3.1 Integrate environmental targets into infrastructure and land use planning

G3.2 Develop and adopt Sustainability Guidelines to guide major project Assessment.

Comment

The Plan encourages the integration of sustainable targets into the land use planning and the design of major developments. Sustainable goals and objectives have been key elements in the master planning of the redevelopment of the former ABC site as well as the assessment of the approved development, DA2008/42. These are in terms of facilities to support alternative modes of transport, co-generation of energy and water reuse, which will not change as a result of the Planning Proposal.

- Employment Lands Development Program (ELDP) 2010- Report 5- Inner North Subregion (May 2011)

The Metropolitan Plan for Sydney 2036 refers to the ELDP which is the State Government's program for managing supply of Employment Lands. . According to the Department of Planning, Employment Lands are defined as those zoned for industrial or similar purposes and generally include "lower density employment areas containing concentrations of businesses involved in: manufacturing; transforming and warehousing of goods; service and repair trades and industries; integrated enterprises with a mix of administration, production, warehousing, research and development; and urban services and utilities."

According to the ELDP report, Artarmon supports a job density rate of 148 and East Chatswood, 145 jobs per hectare compared with the Sydney region of 43 jobs per hectare. In the Inner North Subregion, Willoughby LGA has the highest number of people working in Employment Lands (14,000) jobs. This accounts for approximately 23 percent of the LGA's workforce and illustrates the importance of employment lands for job creation within the LGA and wider subregion.

The planning proposal is consistent with the ELDP report which states:

"No potential future Employment Lands have been identified for the Inner North Subregion. Consequently, additional space for Employment Lands in the inner North subregion would come in the form of land regeneration. Development of a new office/industrial project at Gore Hill Technology Park is an example of this.

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As discussed throughout this report there is potential for the planning proposal to generate increased employment opportunities both in the Artarmon industrial area, St Leonards (Specialist Centre) and Chatswood (Major Centre).

- Draft Inner North Subregional Strategy

The draft Inner North Sub Regional Strategy provides the framework to implement the Metropolitan Plan for Sydney 2036. It cites a target of 16,000 jobs for Willoughby by 2031. The draft Strategy identifies Artarmon as one of 7 Employment Lands within the Inner North Subregion as being of strategic importance to be retained for industrial purposes. It states that in order to accommodate future demand there may be some intensification of Employment Lands in select precincts. However, this must not undermine the integrity of Employment Lands in servicing the local and broader needs of Sydney or threaten the strength and role of centres, particularly the Strategic Centres.

Specific Actions of the draft Inner North Subregional Strategy that relate to the Planning Proposal include:

A1.8 Establish a framework for the Development of Business Parks

The subject site meets the criteria for new business parks as identified in the draft Inner North Subregional strategy in that it is located on an existing major public transport route having access to a site bus providing transport to St Leonards railway station; it can support the existing Chatswood and St Leonards centres (provided the site is developed for large scale offices as discussed in this report); it can achieve high quality design outcomes; reduce environmental impacts and build on existing concentrations and clusters of knowledge-based activities, such as universities and hospitals.

A1.9 Willoughby Council and the Department of Planning to implement its review of planning controls for the Artarmon Industrial area to enable higher intensity employment uses in areas with good public transport access

A2.1 The Department of State and Regional Development will participate in programs to better understand the drivers of and opportunities for business clustering.

The Planning Proposal is consistent with the statement in the Inner North Sub Regional Strategy that "the development of Gore Hill technology Park support the development of high tech clusters within the subregion" and the aims A1.9 and A2.1.

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

The Willoughby City Strategy 2012 -2025 includes six strategic directions for Willoughby. They are Community and Cultural Life; Natural Environment; Homes; Transport, Mobility and Infrastructure; Economic Activity and Civic Leadership. Each strategic direction includes goals and related outcomes.

The main strategies in the City Strategy to which the Planning Proposal relates can be summarised as:

- 5.1.1 Prosperous business and industry precincts that attract customers and support jobs*
- 5.1.5 Local employment that meets the needs of the changing economy and environment*
- 5.1.6 Local business and industry implement sustainability practices*
- 5.1.7 Integrity of local industrial areas is maintained*

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The Planning Proposal has been assessed in relation to the above themes. Although it requests the addition of office premises land use on two sites in the industrial area as outlined in this report, large scale campus style office sites (over 1,200sqm) are not available elsewhere in the two CBDs and have the potential to increase the viability of the industrial area. This will occur by locating the types of office uses that support high technology such as research and could reinforce or supporting the medical and education related activities in the adjacent area. As argued in the economic report by Hill PDA the types of office users that could be attracted to the site could be large organisations such as telecommunications companies which would be unlikely to find appropriately sized space in Chatswood or St Leonards and therefore would be unlikely to compete with those existing centres.

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

SEPP 55- Land Remediation would be considered with the assessment of a detailed development application. Site remediation is required consistent with earlier development consents.

Is the planning proposal consistent with applicable Ministerial Directions (s 117 Directions)

Direction 1.1 Business and Industrial Zones

Direction 1.1 is most relevant to the Planning Proposal and is copied in full for Council's consideration.

Objectives

- (1) *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:

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *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

- (4) *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.*

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Consistency

- (5) *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 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.*

The Planning Proposal has not directly discussed the above Section 117 Direction however the economic study prepared by Knight Frank and supported by the Hill PDA review justifies the proposal's inconsistencies, as required by the Section 117 Direction as discussed in this report.

Direction 3.4 Integrating Land Use and Transport

As discussed under the relevant objectives of the Metropolitan Plan for Sydney 2036, 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.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

The Planning Proposal is consistent with the Metropolitan Plan for Sydney as discussed elsewhere in this report particularly Strategic Direction B "Growing and Renewing Centres" and Direction E "Sydney's Growing Economy. "

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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?

The subject site is existing industrial land. The planning proposal does not apply to land nor is it in the vicinity of land that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

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

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As advised above, compliance with SEPP 55- Land Remediation is required for the site under an existing development consent.

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

The potential economic and social benefits of the Planning Proposal are discussed throughout this report.

SECTION D - STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the Planning Proposal?

The subject site is located within an established industrial area serviced by existing utilities infrastructure. Future infrastructure needs were examined when the site was originally rezoned from its previous use by the ABC to 4(c) Business Park under WLEP 1995. Road and intersection upgrades have been undertaken as a consequence of approved development applications for the site.

Community Consultation

Should Council support the Planning Proposal for public exhibition, it will proceed to the Department of Planning and Infrastructure "Gateway" process to seek endorsement for the proposal to be placed on public exhibition. Public exhibition will be in accordance with the Department of Planning and Infrastructure's Gateway Determination requirements. This would involve appropriate notification and receipt of submissions on the Planning Proposal and proposed amendments to draft WLEP 2012 from relevant state agencies and the general community.

As discussed in this report, the exhibition of the Planning Proposal would be accompanied by exhibition of the proposed revision to the existing VPA for the site between Council and Lindsay Bennelong Developments and the proposed content of a possible new VPA for the construction, use of and payment for the car parking on lot 6 to service the sports facility on lot 3.

Conclusion

Following the review of the Planning Proposal and concept plan, and several meetings with the proponent to refine the proposal the summary of the changes proposed for the Gore Hill Park site are as follows:

a) Outcome Proposed

On lot 6

- A campus style large floor plate development with three buildings (each facing a street frontage) on which office premises will be permissible.
- The Floor space will increase by 5,795sqm from 37,050sqm to 42,845 sqm.
- There will be a small height increase required on the eastern boundary with Broadcast Way.
- There will be no additional car parking spaces for the additional floor space on lot 6.
- There is a proposal for an additional 224 top level basement car park for Council to utilise for the nearby sport and recreation facility on lot 3. Joint use of the car park facility is proposed with the extra car parking spaces to be utilised by lot 6 activities

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and tenants during weekday normal business hours when the sports facility is not operating at its peak.

The number of 224 additional car parking spaces proposed is still to be justified and agreed as will the traffic impacts of their use during weekdays by the lot 6 land uses.

On lot 3

- An increase in the size and capacity of the Sports and Recreation facility to be constructed by Lindsay Bennelong Developments and dedicated to Council. The facility to include 11 netball courts, 1 roof top multipurpose soccer court, a community centre, 155 car parking spaces in two basement levels and a cogeneration/trigeneration plant.
- Additional 224 car parking spaces required for the anticipated full capacity use of the courts at weekends to be located on lot 6 in a joint use arrangement.

On lot 5

Permit office premises in the existing building on the site.

b) Draft WLEP 2012 Amendments RequiredLot 6

- rezone to B7 Business Park
 - Add "car park" as a permissible use in Schedule 1
 - 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 site coverage of 60%.
 - Height increase to RL 131 for the whole site- 9 metre movement to the east of the height boundary on the Height of Buildings Map.
 - Include a new local clause in Part 6 of WLEP 2012 relating to the minimum size of floorplates for use as office premises as follows:
- (1) *This clause applies to Lots 5 and 6 of 219-247 Pacific Highway, 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 CBDs; and*
 - c. *The development would not detrimentally affect the viability of the Chatswood or St Leonards 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 site.

Lot 3

Increase height on lot 3 to RL 131

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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.

(c) Voluntary Planning Agreements (VPA)

- (i) Amendment required to the existing VPA between Council and Lindsay Bennelong Developments for changes to the Sport and Recreation facility and site bus.
- (ii) New draft VPA required between Council and Lindsay Bennelong Developments for construction, payment and hours of use of any additional car parking spaces (number yet to be determined) to be provided on lot 6 to cater for the sport and recreation facility patrons on lot 3. (Whether from existing approved 460 spaces or the proposed additional level with 224 spaces)

(d) Outstanding issues to be Resolved Prior to Support for Exhibition of the Planning Proposal

- i) Clarification of the additional number of car spaces required for the sports facility and whether these can be shared existing approved spaces on site or additional provision.
- ii) Additional traffic analysis required to be undertaken by the proponent and to be assessed by Council transport officers and the RMS on the traffic impact of any additional number car parking spaces to be provided on lot 6 and the additional 76 space basement level car park on lot 3.
- iii) Height limits to be increased on lots 6 and 3 following consultation with Broadcast Australia.

It is recommended that for the Gore Hill Technology Park site at 219-247 Pacific Highway, Artarmon, Council give in principle support to the proposed amendments to draft WLEP 2012, the amendment of the existing VPA for the site and the development of a new VPA between Lindsay Bennelong Developments and Council for shared car parking, subject to the satisfactory resolution of the outstanding planning issues of height and traffic and parking for lots 3 and 6 on the site.

The matter will be reported to Council in early 2013 with advice on the outstanding planning issues, and the final proposal to be supported for referral to the Department of Planning and Infrastructure for public exhibition. The report will also include advice on the proposed content for the two VPAs to be exhibited with the planning proposal as discussed in this report.

OFFICER'S RECOMMENDATION

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;

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

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ITEM - 18.2 Amended Planning Proposal And Development Control Plan For Gore Hill Technology Park Lots 1-6 Dp 270714 (1-5 Broadcast Way, Artarmon)