

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 10 DECEMBER 2012 2. COUNCIL REPORT DATED 24 FEBRUARY 2014 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
RESPONSIBLE OFFICER:	IAN ARNOTT- PLANNING MANAGER
AUTHOR:	JANE HOSIE – STRATEGIC PLANNER
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.

Procedural Motion

That the following people address the meeting and answer questions of the Councillors:

- David Flanagan and Leigh Manser (Lindsay Bennelong)

Procedural Motion

That the motion be put.

A show of hands showed no dissent to the motion being put.

MOTION

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.
- 6. Requires car parking on Lot 6 to be provided at a ratio of 1 space/70sqm.

MOVED COUNCILLOR ERIKSSON

SECONDED COUNCILLOR HILL

CARRIED

Voting

For the Motion: Councillors Coppock, Eriksson, Hill, Norton, Rozos and Rutherford.

Against: Councillor Wright

Absent: Councillors Giles-Gidney and Sloane.

Due to Item 18.2 being a JRPP Matter, Councillors Giles-Gidney and Sloane declared a non-pecuniary substantial interest as members of the JRPP Panel and withdrew from the meeting taking no part in the discussion or voting.

Councillor Coppock assumed the Chair in the Mayor's and Deputy Mayor's absence for this 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)

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
RESPONSIBLE OFFICER:	IAN ARNOTT- PLANNING MANAGER
AUTHOR:	JANE HOSIE – STRATEGIC PLANNER
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 WDCP: 1 space/100sqm	5,760m ² (if developed at 1.5:1 for light industrial) Assume 58 car spaces based on WDCP: 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 Planning and 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.