

VOLUNTARY PLANNING AGREEMENT FOR GORE HILL TECHNOLOGY PARK, 219 PACIFIC HIGHWAY, ARTARMON

ATTACHMENTS:	1. VPA
RESPONSIBLE OFFICER:	JEFF ELLIS - ECONOMIC AND PROPERTY DEVELOPMENT DIRECTOR
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CITY STRATEGY LINK:	5.1.1 LOCAL BUSINESS
MEETING DATE:	24 FEBRUARY 2014

Purpose of Report

To report on the Draft Voluntary Planning Agreement (VPA) submitted in conjunction with the Planning Proposal for the Gore Hill Technology Park at 219 Pacific Highway, Artarmon.

The report recommends that Council support the VPA and publically exhibit it with the Planning Proposal.

Background

The approved development on the site is an industrial park comprising a number of individual buildings approved by Council in 2008 being DA 2008/42. In conjunction with the original DA a VPA was entered that provided a Sports/Recreation/Community Facility and a shuttle bus service as part of the development.

Council subsequently considered a S96 application DA 2008/42/E in July 2010. This S96 included the following amendments; changes to the layout of Building B by dividing it into two separate buildings (B & B1), additional basement car parking and area into Building C; and a consequential reduction of the foot print of Building A. This proposal also resulted in the Sports/Recreation/Community Facility being wholly located within its own building (B) and its own Lot (3). Accordingly, the applicant also sought to amend the VPA to reflect these changes. The amendments were supported by Council.

On 13 August 2010 the parties entered the amended voluntary planning agreement described above. The amended VPA provided a 6 court multi-level facility with 6.8m floor to floor clearances as well as games room, storage, reception/administration and change rooms. A total of 79 car spaces were to be provided as part of the facility.

More recently the applicant initially submitted a planning proposal for the site supported by a request to also amend the VPA which was reported to Council on 10 December 2012. Since that time Strategic Planners, Property Development and Infrastructure Services staff have been working through issues associated with the Planning Proposal and the VPA which have culminated in the two reports being considered by Council on this agenda. The current proposal was outlined in a letter of offer dated 17 December 2013 and provides 8 multipurpose courts with 10.5m floor to floor clearances over a number of levels. The facility also continues to provide a retail/community space, storage, reception/administration and change rooms. It is proposed that 177 car spaces will now be provided as part of the facility.

The revised Sports/Recreation/Community Facility is proposed to be provided within a stratum within a building contained within Lot 6 and adjacent to Broadcast Way.

It is noted that the draft VPA will in effect replace the 2010 amended VPA only in so far as it relates to the Sports/Recreation/Community Facility. The shuttle bus requirements are still contained in the previous VPA and remain on foot.

Considerations

In considering the subject draft planning agreement, Council has ensured that the public facilities contained in the draft agreement are appropriate and it is in the public's interest for Council to enter into the agreement.

a) Appropriate Public Purpose/Relate to the development

The public purpose of the items covered by the proposed VPA and its relationship with the approved development and that proposed in the planning proposal is unchanged. The proposed facility in part supports the demand for such facilities generated by the industrial park together with the wider community.

The facility's position adjacent to Broadcast Way, the public park and adjacent commercial core of the site is ideally located and provides good pedestrian connectivity and public amenity. The facility and its use outside of the general industrial hours of operation will provide activity adding to the safety of the locality through passive surveillance and use.

b) Public Exhibition

It is proposed that the VPA will be publically exhibited concurrently with the Planning Proposal, the outcome of which will be reported back to Council.

c) Contain reasonable means to secure the public benefits

The draft planning agreement details the nature and extent of the provisions to be made by the developer under the agreement, the time by which the provisions are to be made and the manner by which the provisions is to be made.

d) Protect the community from harm

A planning agreement is void to the extent, if any, to which it requires or allows anything to be done that, when done, would breach this section or any other provision of this Act, or would breach the provisions of an environmental planning instrument or a development consent applying to the relevant land. The subject Agreement does not contain such terms.

Financial Implications of the revised scheme

The developer must procure the construction of the Recreation/Sporting and Recreation facility in accordance with the plans/schedules attached to the draft VPA and the letter of offer dated 17 December 2013. That is an 8 multi-purpose court facility with 10.5m floor to floor clearances over a number of levels. The facility also continues to provide a games room, storage, reception/administration and change rooms. It is proposed that 177 car spaces will now be provided as part of the facility.

The developers obligations are not restricted to a specific cost rather to the plans/schedules and specifications agreed to in the VPA. This is particularly important as the facility will be handed over to Council as a completed building at a time in the future.

Notwithstanding the above, to provide transparency in the process Lindsay Bennelong Developments Pty Limited have provided the following details as a guide.

The facility the subject of this VPA have an estimated construction cost according to FDC (developers builder) of \$24, 811,052 and will be contained in a stratum estimated to have a value of \$5,000,000.

Similarly the existing VPA on lot 3 that this new proposal replaces had an estimated construction cost of \$11,204,267 and a land value assessed as \$7,700,000.

Timing of Works

The original VPA provided that the facility would be completed within 18 months of the issue of an occupation certificate for the final building erected by the developer pursuant to the Development Consent. The new VPA maintains this position.

The VPA is clear in terms of delivery of the project compared to development of the site however what cannot be established is when the facility will be delivered in real time. The GFC, competition with other industrial and commercial centres and in part zoning has resulted in uptake of the Gore Hill Technology Business Park being slower than originally anticipated. It is Council officer's view that the facility may take up to 10 years to deliver.

Recreation Needs

With regard to the Sports/Recreation & Community Facility, the Manager Willoughby Leisure has provided the following comments:

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.

Conclusion

The revised VPA will provide additional sporting recreational facilities to the City of Willoughby. Changes to the zoning will make the site more marketable and ensure the best opportunity to deliver the facilities in a timely manner if economic conditions improve.

OFFICER'S RECOMMENDATION

That:

- 1. Council endorse the proposal to enter into a Voluntary Planning Agreement with Lindsay Bennelong Developments Pty Limited in respect to Planning Proposal and undertake the public exhibition process.**
- 2. Delegated authority be granted to the General Manager and the Mayor to sign the agreement when finalised.**
- 3. The planning agreement be included in Council's Annual Report as per S.93G(5) of the Environmental Planning and Assessment Act upon execution.**
- 4. The Agreement be registered with the Department of Planning and Infrastructure upon execution.**

[Gore Hill VPA.pdf](#)

[Gore Hill Community Sporting Base Building Specification.pdf](#)