

EXTRACT FROM MINUTES OF COUNCIL MEETING
NO. 10/14 AT ITS MEETING HELD ON 24 JUNE 2014

COUNCIL REPORTS

5 PLANNING PROPOSAL - 144 Wicks Road and 16-18 Waterloo Road, Macquarie Park

Note: Tony Pratt (on behalf of Masters Home Improvement) addressed the meeting in relation to this Item.

Note: Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that his company provided a report to Masters.

RESOLUTION: (Moved by Councillors Chung and Petch)

- (a) That Council support the Planning Proposal for 144 Wicks Road, Macquarie Park to amend Schedule 1 under Ryde Local Environmental Plan 2010 and Ryde Local Environmental Plan 2014 to include the following land uses *hardware and building supplies* and *garden centre*,
- (b) That Council forward the planning proposal for 144 Wicks Road, Macquarie Park to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.
- (c) That, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.

Record of Voting:

For the Motion: Unanimous

5 PLANNING PROPOSAL - 144 Wicks Road and 16-18 Waterloo Road, Macquarie Park

Report prepared by: Planning Proposal Coordinator
File No.: LEP2012/15/3 - BP14/722

REPORT SUMMARY

The purpose of this report is to seek support from Council for a Planning Proposal (PP) for land at 144 Wicks Road, Macquarie Park. The PP seeks to list the subject site in Schedule 1 of Ryde Local Environmental Plan 2014 to permit '*hardware and building supplies*' and '*garden centre*' as an additional permitted use on the part of the site zoned B7 Business Park. This is to support the future development of the land fronting Epping Road for a Masters home improvement store. The proposal does not seek to amend the zoning of the subject site but seeks to include an additional land uses on the site for the purposes of *hardware and building supplies* and *garden centre* on land at 144 Wicks Road, Macquarie Park.

It is noted that this particular type of uses are permitted within the B3 Commercial Core zoning that applies to the northern portion of the site. Given that it is already an existing use permissible on part of the site, the campus style nature of Macquarie Park Business Corridor and that the land use is more appropriately located within the corridor rather than other areas of the Local Government Area, it is considered that Council should support the proposed amendment.

The proposal is generally considered to comply the applicable statutory requirements as described within this report and it is recommended that the proposal be supported.

RECOMMENDATION:

- (a) That Council support the Planning Proposal for 144 Wicks Road, Macquarie Park to amend Schedule 1 under Ryde Local Environmental Plan 2010 and Ryde Local Environmental Plan 2014 to include the following land uses *hardware and building supplies* and *garden centre*,
- (b) That Council forward the planning proposal for 144 Wicks Road, Macquarie Park to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.
- (c) That, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.

ITEM 5 (continued)**ATTACHMENTS**

- 1** Planning Proposal - 144 Wicks Road - Main Report - CIRCULATED UNDER SEPARATE COVER
- 2** Planning Proposal - Appendix A - Indicative Scheme - CIRCULATED UNDER SEPARATE COVER
- 3** Planning Proposal - Appendix B - Traffic Report - CIRCULATED UNDER SEPARATE COVER
- 4** Planning Proposal - Appendix C - Economic Impact Assessment - CIRCULATED UNDER SEPARATE COVER
- 5** Planning Proposal - Appendix D - Flora and Fauna Assessment - CIRCULATED UNDER SEPARATE COVER
- 6** Planning Proposal - Appendix E - DoPI Letter - CIRCULATED UNDER SEPARATE COVER
- 7** Planning Proposal - Appendix F - Epping to Chatswood Rail Link Zone of Influence - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Adrian Melo
Planning Proposal Coordinator

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

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Discussion

The following outlines the “gateway plan-making process”, and a summary of the subject planning proposal.

Gateway Plan-Making Process

1. **Planning proposal** – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
2. **Gateway** – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. **Community Consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.
5. **Decision** – the making of the plan by the Minister (or delegate).

According to section 55 of the *Environmental Planning and Assessment Act 1979*, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal;
- A **justification** of the objectives, outcomes and provisions including the process for implementation;
- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the **community consultation** that will be undertaken.

Council is the relevant planning authority for this proposal which is at Step 1.

Site Description

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The land the subject of the Planning Proposal is 144 Wicks Road and 16-18 Waterloo Road, Macquarie Park legally known as Lot 21 in Deposited Plan 1101233 and Lot 4 in Deposited Plan 1046090, respectively. This are identified in **Figure 1** below.

Figure 1



Figure 2 provides an aerial photo of the site. The combined total size of the sites is approximately 5.92 hectares.

Figure 2



Source: Urbis Planning Proposal, with amendments

The applicant has identified the key characteristics of the site as:

Council, dated 1 July 2014, submitted on 24 June 2014.

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- *Western frontage to Epping Road of approximately 183 metres.*
- *Eastern frontage to Waterloo Road of approximately 7 metres.*
- *Southern frontage to Wicks Road of approximately 112 metres.*
- *Stands of trees are spread across the site, particularly along the site boundaries, and surrounding the former school building footprint.*
- *A child care centre on Lot 4 in DP 1046090 fronting Waterloo Road, which is currently in operation with vehicle access from the Waterloo Road slip-road.*
- *Part of the land on the south-western quadrant of the site is affected by an easement for the Epping- Chatswood Railway Tunnel below, which restricts development depth to RL 37.00 AHD.*
- *An easement for draining water and an electricity substation also affect the site.*
- *The site slopes from the highest point at the northern-western corner near the Epping Road frontage, with a maximum level of RL70.26 and the lowest point being at the south-eastern corner on Wicks Road with a minimum level of RL42.25.*

The site has been undeveloped since the closure of the Peter Board High School in 1998, with the exception of the existing childcare centre. Previously a staged DA was approved on the site (LDA2008/531) which included:

- 27,340sq.m commercial floor space
- 309 parking spaces,
- and construction of Road 3 and part of Road 11.

This DA has not proceeded and the site has been acquired by Masters. The Development Application also included a Voluntary Planning. The above consent has been surrendered and the VPA has been terminated.

Planning ProposalProposal

The proponents have identified that the purpose of the Planning Proposal is to include an additional land use by way of Schedule 1 of *Draft Ryde Local Environmental Plan 2014* (RLEP2014) to include 'hardware and building supplies' and 'garden centres' as additional permitted uses on the part of the site zoned B7 Business Park. This would support the future development of the western part of the site for a Masters home improvement store. It should be noted that the proposed use is currently permissible on the B3 Zoned part of the site but not along the B7 Zoned

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area along Epping Road. The details of the zoning of the site are discussed in further detail later in this report.

It should be noted that the proponents have sought to amend the draft RLEP 2014. Should the proposal be supported by Council, it is proposed for the amendment should also apply to the current and in force Ryde Local Environmental Plan 2010. This is as the current timing of the RLEP 2014 is not yet determined.

The proponent does not seek to amend the height, floor space or other controls as they apply to the subject site.

Objectives and Intended Outcomes

The applicant identifies the primary objective of the Planning Proposal as follows:

The intended outcome of the requested rezoning is to provide a more flexible application of the permissible land uses across the site, and expand the part of the site which 'hardware and building supplies' and 'garden centres' are permissible uses.

The key aim of the requested Planning Proposal is to obtain the necessary rezoning of the subject site by amending the provisions of Draft RLEP 2013 to facilitate development of a Masters home improvement store on the part of the site fronting Epping Road. The Masters home improvement store will include retailing of home improvement products, hardware and building supplies, garden supplies, plants and landscaping materials with a total floor area of approximately 13,500sq.m.

The objectives of the requested rezoning include:

- *Improving the efficient use of land within the Macquarie Park Corridor through supporting land uses where they will most benefit from the site location and surrounding context.*
- *Improve infrastructure servicing within the large-scale allotments within Macquarie Park Corridor by supporting land uses aligned to market demand to fund the delivery of key infrastructure required to improve accessibility and serviceability of all land within the site and surrounding properties.*
- *Providing land to support the delivery of a home improvement store in a key location which is commercially viable for Masters, and will provide sufficient land to meet the existing shortfall of sites within the Ryde LGA to support a Masters home improvement store.*

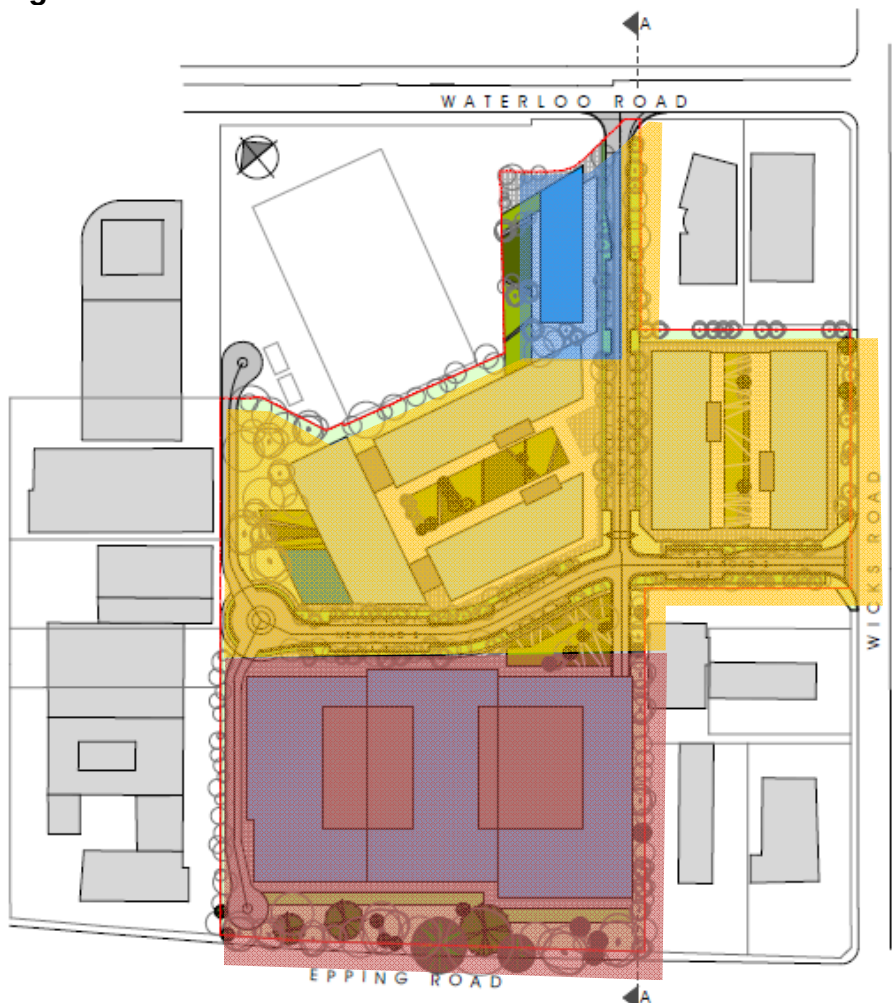
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- *Locate intensive employment generating uses on the eastern part of the site adjacent to Waterloo Road with high accessibility and walkability to existing transport infrastructure including the Macquarie Park Railway Station and key local and regional bus routes.*
- *Redistribute the permissibly uses across the site to respond to market interest and commercial viability of land uses on site. (page 20 Urbis Planning Proposal Report)*

The Planning Proposal is accompanied by an indicative Concept Scheme, the purpose of which is to identify potential opportunities associated with the redevelopment of the site. It should be noted that this is not the final proposal for the site but simply an indicative scheme demonstrating one development outcome.

The scheme can be found at **Figure 3**.

Figure 3



Source: Urbis Planning Proposal Report, with amendments

Council, dated 1 July 2014, submitted on 24 June 2014.

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The Concept Scheme includes:

- A Masters building along Epping Road (marked in red above),
- Retention of childcare centre along Waterloo Road (marked in blue above)
- Commercial buildings, roads and other ancillary development (marked in orange above)

It should be noted that the above is only a concept scheme and that the proposal only seeks to amend the planning controls to allow for '*hardware and building supplies*' and '*garden centres*'. Any future built form or use of the site would need to be subject to a separate Development Application at a later stage and could vary from the above.

Proposed Amendments to LEP 2014 and LEP 2010

The Planning Proposal seeks to include a Schedule 1 Additional Permitted Land Use into both the LEP 2010 and LEP 2014 as follows:

Use of certain land at 144 Wicks Road North Ryde

- (1) *This clause applies to land at 144 Wicks Road North Ryde (fronting wicks road and Epping Road), being Lot 21 in DP 1101233.*
- (2) *Development for the purposes of 'hardware and building supplies' and 'garden centres' is permitted with consent*

It should be noted that the above does not include 16-18 Waterloo Road, Macquarie Park as this portion of the site is zoned B3 Commercial Core, in which '*hardware and building supplies*' and '*garden centres*' are permissible as a form of *retail premises*. See Figure 1 above for identification of the individual sites and the subsequent sections of this report for details on zoning and locations.

The above terms are defined as follows:

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) *outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,*
- (b) *pets and pet supplies,*
- (c) *fresh produce*

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hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

It should be noted that *retail premises* are a type of *commercial premises* and are permissible wherever a *commercial premises* is.

Planning Justification

The applicant has provided detailed planning reasons for the justification of the planning proposal in Section 6 – Part 4 – Justification for the Planning Proposal commencing at page 22 in the attached report.

In summary, the applicant provides the following key points for justification of the planning proposal:

- A garden centre or *hardware and building supplies* would be permissible on the B3 Zone affected part of the site.
- NSW Planning and Infrastructure previously provided an opinion that *hardware and building supplies* are a suitable land use within the B7 Business Park zone

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as it would promote appropriate development in the zone. Whilst this was specific to a business park zone in Pymble, this is considered to also apply to Macquarie Park. A copy of this opinion has been provided as **Attachment 6**.

- There is currently an undersupply of *Hardware and Building Supplies* in the LGA and a lack of land which could accommodate this type of land use and development.
- Will not unduly reduce the current supply of land to meet employment targets
- Will result in complimentary and compatible built form and land use

A number of reports and ancillary documentation have been provided in support of the Planning Proposal and are as follows:

- *Indicative Site Scheme*
- *Traffic Report and Supplementary Traffic Report*
- *Economic Impact Statement*
- *Flora and Fauna Assessment*
- *DPI Letter to Ku-Ring-Gai Council regarding inclusion of land use in B7 Business Park Zone*
- *Plans Showing the Epping to Chatswood Rail Link Zone of Influence*

ContextImmediate Context

The site is located within the Macquarie Park Corridor. The surroundings sites are characterised by commercial office and light industrial developments with the exception of land at 18 Waterloo Road, Macquarie Park which used by the Ryde Hunters Hill District Hockey Club. It should be noted that this site is owned by the Office of Communities, Sport and Recreation and is not affected by this proposal.

Generally, Macquarie Park is characterised by campus-style developments which is the general type of surrounding developments.

It should be noted that the subject site is in close proximity to the North Ryde Station Precinct and Council recently refused planning proposals at 269-271 Lane Cove Road, Macquarie Park and 111 Wicks Road, 29 Epping Road, 31-35 Epping Road Macquarie Park which both sought to allow residential land use within Macquarie Park. These applications were considered by Council on 8 April 2014 and 22 April 2014 respectively. These are shown in **Figure 4** below.

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Figure 4



Source: Urbis Planning Proposal, page 10 with amendments.

Broader Context

The site is located within the Macquarie Park Corridor which is located in the northwest of Sydney, approximately 12 kilometres from the Sydney CBD and 2 kilometres from Epping. It is a 7.5km² employment centre located equidistant from the CBD of Sydney and Parramatta respectively.

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The corridor comprises an area of land generally bound by the M2 Motorway and Delhi Road on the northeast, Epping Road and the Lane Cove River on the southwest, and Macquarie University. On the southern side of Epping Road, the corridor is adjoined by low density residential development.

More than 800,000m² of the corridor is commercially zoned comprising a mix of B3 Commercial Core, B4 Mixed Use and B7 Business Park.

Macquarie Park is the location of many of Australia's leading companies including Optus and Foxtel, and plays a strategic role in this economy. It is a specialised centre offering a range of commercial research activities in the areas of information technology, telecommunications, pharmaceuticals, medicine, health and education. The corridor has developed into a major employment centre in the past 30 years. Key assets within the Corridor include:

- Macquarie University and Hospital;
- Macquarie Shopping Centre;
- Three (3) rail stations on the Epping Chatswood Rail link;
- Home to several leading Australian and international companies; and
- Adjacent to the Lane Cove River National Park.

This region accounts for the majority of Sydney's global orientated commercial businesses and over 10% of gross domestic product. Employment within The Corridor exceeds 39,000 jobs, with over 30,000 students attending Macquarie University.

Under the existing strategic framework, the corridor is part of the Global Economic Corridor, a broad area of economic activity stretching from Port Botany and Sydney Airport, through the Sydney CBD, North Sydney, St Leonards to Parramatta.

PricewaterhouseCoopers in a report released in March 2014 titled *Australia uncovered - A new lens for understanding our evolving economy* identifies Macquarie Park as one of the top 10 locations nationally in terms of total contribution (economic output) to Australia's economy in the financial year 2012/2013. (Source: *PwC Australia uncovered - A new lens for understanding our evolving economy March 2014*).

The report states "*Growth within cities is highly varied. A spatially aware analysis of economic output reveals a patchwork of locations within cities that drive economic output and productivity growth and those where growth has slowed or is even declining*". (Exert: *PwC Australia uncovered - A new lens for understanding our evolving economy March 2014* - pg 10).

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The report identifies Macquarie Park Corridor as having a growth rate of 6.8%. (source PwC Australia uncovered March 2014 pg 11). This is significantly higher than the growth rate in North Sydney (0.2%), Parramatta (1.6%) and Haymarket (1.1%).

Current Planning Controls

Zoning and Land Use

The subject site is zoned B3 Commercial Core and B7 Business Park under the Ryde LEP 2010 and Draft Ryde LEP 2014. An extract of the zoning map is provided at **Figure 5**.

Figure 5



Source: Urbis Planning Proposal, with amendments.

The B3 Commercial Core Zone objectives contained within RLEP 2014 are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

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- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

Within the B3 Commercial Core, the following land uses are permitted with development consent (all other uses being prohibited):

Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Industrial retail outlets; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Serviced apartments; Warehouse or distribution centres

As identified previously, *garden supplies* and *hardware and timber building supplies* are a type of *retail premises*, which forms part of the wider group definition of *commercial premises* which are permissible.

The B7 Business Park Zone objectives within RLEP 2014 are as follows:

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

In the B7 Business Park zone the following land uses are permitted with development consent (all other uses being prohibited):

Building identification signs; Business identification signs; Business premises; Child care centres; Educational establishments; Function centres; Industrial retail outlets; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Recreation areas; Registered clubs; Research stations; Respite day care centres; Restaurants or cafes; Roads; Warehouse or distribution centres

Given that the above permitted uses do not include *commercial premises* or *retail premises*, on the B7 Business Park portion of the site *garden supplies* and *hardware and timber building supplies* are not permissible.

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It should be noted that prior to the application of RLEP 2010, the site was zoned 3(f) Business and 3(g) Business Special (employment). The 3(f) zoning coincides with the B7 Business Park portion of the site and the 3(g) zoning with the B3 Commercial Core portion. Generally, the proposed uses would not have been permissible within these zones.

In regards to zoning and land uses, it should be noted that in close proximity to the subject site to the south east along Epping Road there are a variety of retailing uses. These uses include:

- Officeworks (within B7 Business Park), and
- Domayne /Harvey Norman (within B3 Commercial Core).

The proponents have argued that the proposed land uses are in keeping with the above land uses. This is considered later in this report. The proponents have provided the following with regards to the justification for the use of the non-permissible part of the site for the Masters development:

The frontage to Epping Road is a key locational feature for large-format retail, such as Masters. It provides strong streetscape exposure and attracts customers from passing traffic. This is a site feature not as highly valued by commercial office developments. Conversely Waterloo Road provides high walkability to the Macquarie Park Railway Station and bus stops. These features are more highly valued by commercial office developments and retail operators who service the local working community.

Through providing greater flexibility of permissible land uses across the site, the initial critical stage of investment into the redevelopment of the site can be instigated by Masters by occupying the well exposed location fronting Epping Road, while creating new allotments to support future commercial redevelopment within the B3 Commercial Core zone which will maximise the benefit of its proximity to key public transport infrastructure.
(Urbis Planning Proposal Report, page 22)

Furthermore it is noted that the provision of the Masters buildings along Epping Road and leaving the portion of the site along Wicks and Waterloo Roads for commercial is likely to result in a better streetscape outcome. This is of particular importance given that Council is seeking to ensure Waterloo Road becomes the central spine of Macquarie Park.

Building Height

The applicable building height controls under the Ryde LEP 2010 are 30m in the B3 Commercial Core portion of the site and 22m for the B7 Business Park portion.

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Figure 6 illustrates the relevant height controls of the subject site and surrounding sites.

Figure 6

LEP 2010 HoB Map

LEP 2014 HoB Map (exhibited)



As identified above it should be noted that the heights remain generally the same under RLEP 2014. However there is an increase under Amendment 1 as detailed later in this report.

Floor Space Ratio

The relevant floor space ratio for the site under LEP 2010 is a combination of 3:1 along Waterloo Road and 2:1 for the remainder of the site. Under Draft LEP 2014, the FSR remains the same. These FSRs are provided at **Figure 7**.

Figure 7

LEP 2010 FSR Map

LEP 2014 FSR Map (exhibited)



Draft Ryde LEP 2014 (Amendment No. 1)

The Planning Proposal for LEP 2014 (Amendment 1) was exhibited from the 12 June 2013 to 19 July 2013.

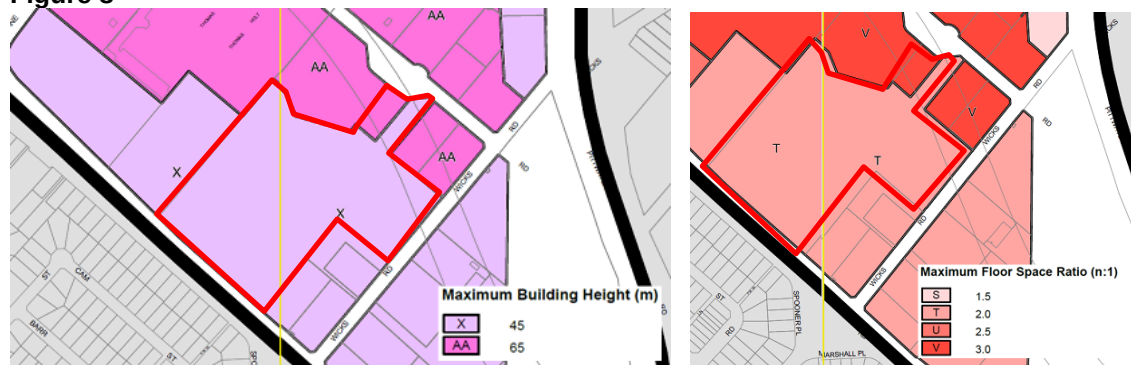
ITEM 5 (continued)

The amendment proposes to include:

- Deferred provisions for increased FSR and building height controls to become available for development upon entering into a VPA with Council to provide key infrastructure - roads and open space; and
- Introduction of new maps with highest FSR and heights concentrated along Waterloo Road with lowest FSR and heights located towards the perimeter of the Macquarie Park Corridor.

Figure 8 illustrates the potential height and FSR available to the site under the new incentive scheme. This amendment was publicly exhibited in June/July 2013 and was adopted by Council on the 22 October 2013. The plan is currently with NSW Planning and Infrastructure for processing prior to gazettal.

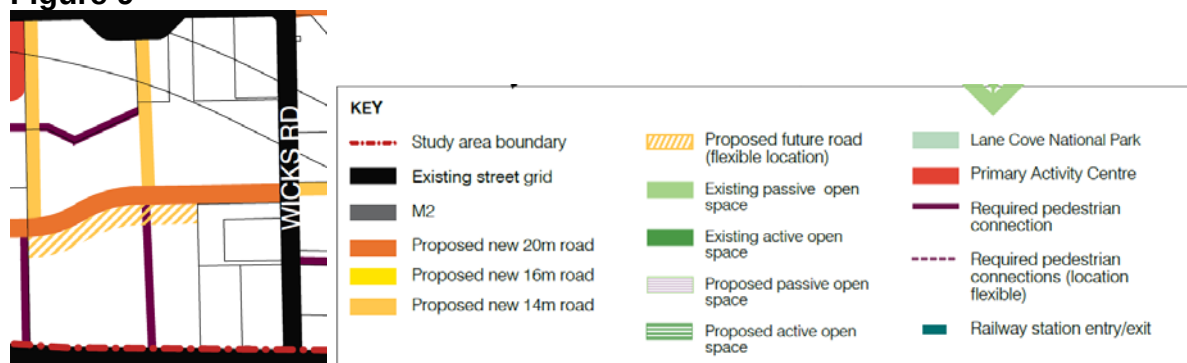
Figure 8



These controls are subject to meeting VPA requirements and envisage development of the site to 65m and to a FSR of 3:1. The controls proposed do not alter the range of permitted uses.

Amendment 1 also includes a revised open space and street network. Extracts from Amendment 1 are provided at **Figure 9**.

Figure 9



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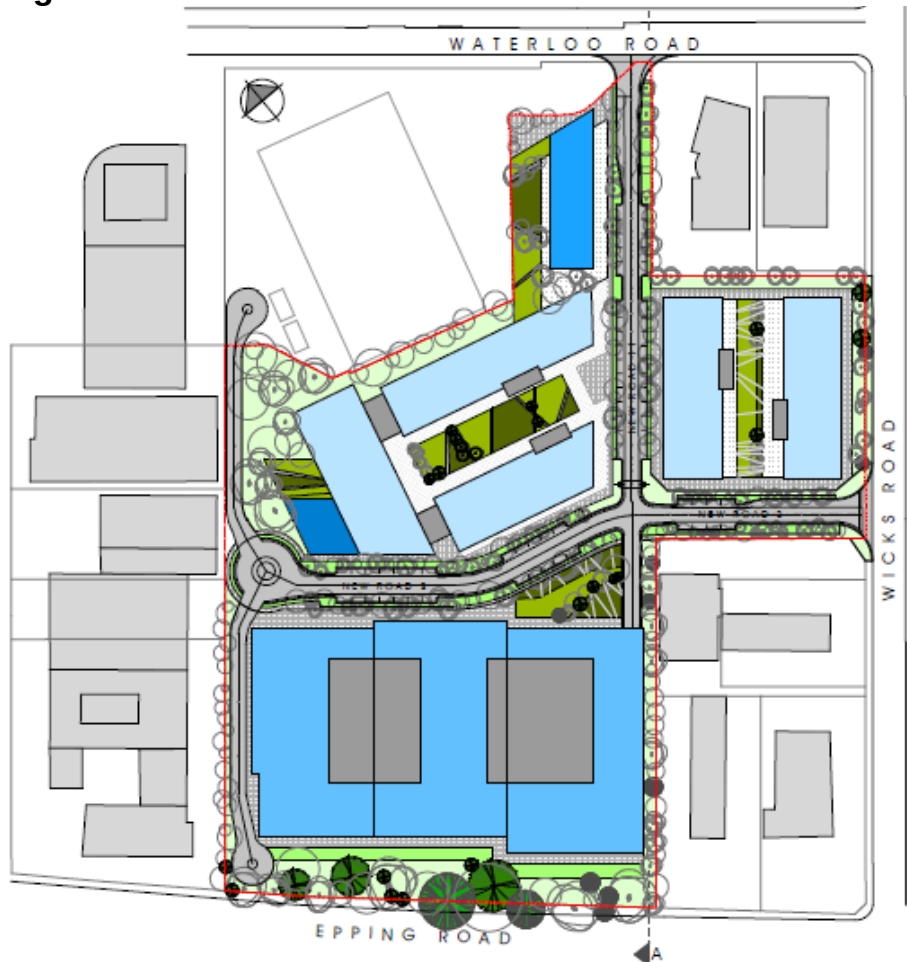
From the above it can be seen that the site must provide the following:

- Two 14m Road extending from the 20m central road to Waterloo Road,
- A 20m Road extending through the central portion of the site, and
- Two Pedestrian connections running from the central 20m road to Epping Road.

It should be noted that the pedestrian connection between the two 14m roads is located on the adjoining property and not on the subject site. There are no open space provisions for the subject site.

The planning proposal has been submitted with an indicative concept scheme which identifies the proposed location of roads and open space areas. The Concept Scheme is provided below at **Figure 10**.

Figure 10



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Generally, the proposed scheme achieves compliance with the intended controls with the exception of the eastern most pedestrian pathway and the eastern most 14m road. In this respect, it is considered that this would need to be subject to detailed assessment as part of any forthcoming development application.

It is noted however that the location of the eastern most 14m road could be problematic in the proposed location due to an existing drop off area on Waterloo Road, shown in red on **Figure 11** below. This area was originally for the use of the Peter Board High School. Should the proposed road be delivered in the location shown on the submitted concept plan, this may result in unacceptable traffic / access issues.

Under the proposed controls contained within Amendment 1, the new 14m road is shown over the existing childcare centre (16-18 Waterloo Road) and would potentially reduce traffic / access issues in comparison with the proposed scheme. However the proposed location nominated in Amendment 1 would require the demolition / removal of the childcare centre.

Figure 11



The proposal also fails to provide the eastern most pedestrian link but this could be potentially accommodated with amendments to the building footprints and would need to be subject to further review.

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Whilst the above are areas of concern that should be resolved prior to the determination of the Planning Proposal, these matters are relatively minor in the context of the land use amendments proposed. As such, should the planning proposal be determined by way of support by Council, it is recommended that further discussions on this matter take place with the applicant.

This could occur concurrently with the community consultation stage of the planning proposal as the concept plan is intended to demonstrate the potential ramifications of the planning proposal and does not form part of the planning proposal.

It is also stressed that that any location of roads, buildings, footpaths or similar would need to be subject to a detailed Development Application lodged with Council. It would also need to adequately address the issues with access and traffic.

Ryde Development Control Plan 2010 and Draft DCP 2013

Part 4.5 Macquarie Park Corridor of the Ryde DCP 2010 and Draft Ryde DCP 2013 contain detailed provisions which set the framework for the future development of Macquarie Park. The DCP provisions note that the controls are based broadly on the objectives and development principles contained in the Macquarie Park Corridor, North Ryde Master Plan, adopted by Council in 2004. The future outcomes for Macquarie Park Corridor contained within this Master Plan continue to be relevant and form the basis of the current and proposed planning controls for the corridor.

The broad structure plan for the Macquarie Park Network is contained within the Development Control Plan and details a proposed Street Network, Open Space Network and Built Form Network. It should be noted that this DCP will be superseded by the Macquarie Park Planning Proposal (amendment 1), which significantly rationalises and amends the streets, open space and built form as identified above.

Strategic Context

The strategic planning framework for this Planning Proposal is found in the following key documents:

- Metropolitan Plan 2036 for Sydney and the Draft Metropolitan Strategy for Sydney 2031;
- Inner North Subregion and Draft Subregional Strategy
- City of Ryde Local Planning Study; and
- Macquarie Park Corridor – General Background Studies

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Macquarie Park Corridor – General Background Studies

The Council policy position regarding the Macquarie Park Corridor has been informed by a range of studies and included in more recent years:

- Allen Jack and Cottier Urban Design based Macquarie Park DCP 2008;
- Aspect Studios Macquarie Park Urban Design Manual 2008;
- Aspect Studios Open Space Network Structure Plan;
- Space Syntax Movement Study 2010;
- Macquarie Park Parking Study (2009) , ARUP;
- Bitzios Macquarie Park Transport Management Plan;
- Stephen Collier Road Network Structure Plan;
- Hill PDA Opinion on the Value of Incentive Floor Space, 17 September 2007;
- City of Ryde Infrastructure Cost Study 2010; and
- Drew Bewscher and Associates Macquarie Park Flood Management Plan.

Previous studies that have informed the direction of the Macquarie Park Corridor also include:

- Macquarie Park Growth Model;
- Macquarie Park Pedestrian Movement Study 2009;
- Macquarie Park Public Domain Technical Manual 2008;
- Macquarie Park Traffic Study – Final Report 2008;
- Macquarie Park Corridor Master Plan;
- Macquarie Park Transport Management and Accessibility plan; and
- Macquarie Park Structure Plan 2002.
- Ryde Integrated Open Space Plan

Assessment of Planning Proposal

Adequacy of Documentation

The documentation as submitted is satisfactory and addresses all necessary requirements.

Assessment of Need for the Planning Proposal

Is this planning proposal the result of any strategic study or report?

The proponents have stated that *‘the requested rezoning and associated Planning Proposal is not the result of any strategic studies or reports. However, the proposal responds to... strategic planning issues and government policy directions.’*(pg 22 Urbis Planning Proposal)

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Notwithstanding the above, it is considered that the planning proposal in itself forms a strategic study that examines the subject site and details whether the proposed land use amendment is appropriate. As identified elsewhere in this report, it is considered that the planning proposal generally is in keeping with the intended outcomes for Macquarie Park and is likely to result in buildings and land uses that are in keeping with the vision of Macquarie Park and the objectives of the applicable zones.

With regards to the addition of *garden supplies* and *hardware and timber building supplies* within the B7 Business Park zone, it is considered that proposed land uses are compatible with others that are permissible with the zone.

The applicant has provided justifications for the planning proposal that should be considered and addressed. The key justifications and their assessment is detailed below.

Justification: *A garden centre or hardware and building supplies would be permissible on the B3 Zone affected part of the site.*

Assessment: The total portion of the site that is zoned B3 Commercial Core is approximately 27,993m². The portion of the site that is zoned B7 Business Park is approximately 30,576m². Part of the proponents justification is premised on part of the site still being potential utilised for commercial development following the development of the Masters should the planning proposal be approved. There is no guarantee that this will occur.

However, the applicant has provided plans demonstrating that this is one potential outcome for the site. A key concern for the loss of land purely for employment generating land uses as currently permitted on the B7 Business Park portion is the ramifications that this could have on the employment generation. In this respect, the total potential floor space yield for the B7 Business Park portion of the site is 30,576m² (FSR of 1:1 under Amendment 1), which would equate to approximately 2038 employees based on an open office or 1223 in a conventional office (assumed 1 employee per 15m² for open office and 1 per 25m² for a conventional office). Given that the site will provide for an approximate 150 full time equivalent jobs, this represents a drop in total employment figures of 1073 or 1888 potential employees.

However, it should be noted that the submitted concept scheme does not seek to replace or remove all employment generating capacity from the subject site but seeks to include a shift from office to retail. The concept scheme demonstrates that a total GFA of approximately 75,894m² could be achieved on the remainder of the site under Amendment 1.

It should be noted that this planning proposal is differentiated from previous planning proposals seeking to deliver residential land uses in that they present a specific shift away from employment / commercial premises focused land uses. Whilst this

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planning proposal may potentially reduce the total employment generating potential on the subject site by a maximum of 1888, the land use itself is still compatible with other surrounding employment land uses as it is ultimately a *commercial premises*. Furthermore, it is unlikely to result in further reduction of employment land uses in the sites immediate surrounds through residential creep or reduced desirability of adjoining lots for commercial development.

Additionally, the proposed land use is one that could be considered desirable for the needs of the wider community and is best provided within Macquarie Park rather than other town centres where it would be permissible due to the potential impacts on surrounding residential areas. In this respect, the proposed type of development is one better suited to a Business Park type location rather than an urban centre.

Justification: NSW Planning and Infrastructure previously provided an opinion that *hardware and building supplies* are a suitable land use within the B7 Business Park zone as it would promote appropriate development in the zone.

Assessment: It should be noted that this particular letter relates to the Pymble Business Park. However, the points raised in this particular letter are still relevant in that it has determined that the *garden supplies* and *hardware and timber building supplies* and resultant built form is compatible with surrounding land uses and built form. A copy of the letter has been provided as **Attachment 6**.

The particular type of building form to result from a *garden supplies* and *hardware and timber building supplies* are generally continuous large floor plate type retailers such as Bunnings or Masters. These types of retailers and built forms are more appropriate within Business Park locations rather than urban town centres where the allotment size and building types are of a different type and nature.

Notwithstanding the submitted concept scheme, it is proposed that any subsequent development application would be subject to the same development controls as any other alternate uses on the subject site. This will ensure that any resultant built form is in keeping with the character of the surrounding area.

It is considered that the current development controls should continue to apply in order to ensure a built form commensurate with that surrounding the site and future developments in the area.

Justification: There is currently an undersupply of *Hardware and Building Supplies* in the LGA and a lack of land which could accommodate this type of land use and development.

Assessment: The applicants have submitted an Economic Impact Assessment (EIA) that provides an analysis of the demand for hardware and home improvement floor space in 2011 was 22,400m² and that it is anticipated to reach 39,300m² by 2031. It

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is noted that Council is currently progressing a rezoning application for land at 461-495 Victoria Road, Gladesville that will be anticipated to deliver a total of 38,340m² floor space with an anticipated quantum of 15,255m² for similar land uses. The remainder of the floor space is anticipated as bulky goods and general commercial premises.

The key findings of the EIA are provided within the executive summary on pages 6-7 of the EIA which is **CIRCULATED UNDER SEPARATE COVER**. In summary, the EIA has identified the following key points:

- There is a demand in the area for large format hardware operations.
- A Masters development would serve a Main Trade Area (the Primary and Secondary Trade Areas combined) of approximately 340,000 people in 2011. This population is projected to increase to 406,000 by 2031. This area includes Ryde LGA and a small part of Ku-ring-gai, Epping and Eastwood.
- Residents in Ryde LGA have experienced diminished access to hardware related floorspace in the LGA over the past few years as the former BBC, Hudson and Complete hardware stores in Eastwood have closed.
- In 2011 the Main Trade Area had an undersupply of hardware and home improvement floorspace of 22,400sqm GLA. By 2031 that level is expected to increase to 39,300sqm;
- There is significant unmet demand for additional hardware floorspace in the Main Trade Area which the proposal would assist in addressing.
- Masters would derive the majority of its trade (an estimated 75%) from residents living in the Primary Trade Area who must currently travel outside of it to other destinations in order to access large format hardware floorspace due to a lack of proximate facilities.
- Masters would compete predominately with large hardware suppliers and trade-related operators located in industrial precincts.
- The Masters home improvement centre will be a destination with a much larger regional trade areas would perform a different role. Because of these differences, the proposal would not threaten the vitality or viability of any existing centres;
- The proposal is justified on demand growth alone and in the context of significant floorspace undersupply. Any trading impacts on existing businesses would be short-term only and mitigated by demand growth.

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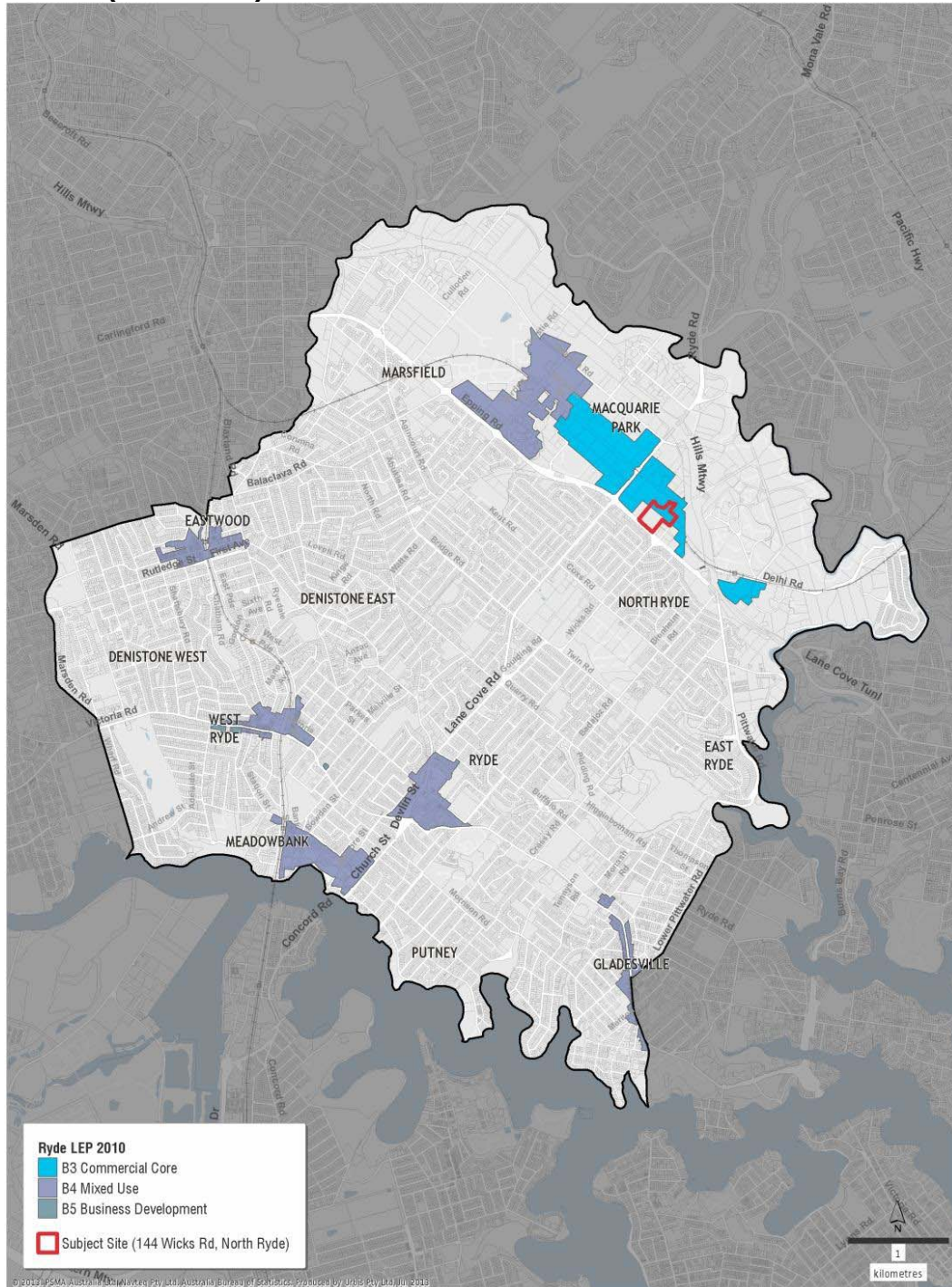
- Existing hardware businesses in centres are small, not anchors and make a limited contribution towards the performance of centres. Adverse trading impacts on individual retailers are a matter of competition only and not a relevant consideration to economic impact;
- The City of Ryde Local Government Area (LGA) has more than sufficient land zoned to accommodate commercial office land demand forecasts over the period to 2036. The proposed increase in FSR and height in Macquarie Park will further increase capacity. As such, the use of this site for hardware and building supply sales would not jeopardise the potential of the LGA to meet future commercial office demand;
- As the zoning of the site would not change and given the relatively low construction costs of a Masters home improvement centre comparative to commercial office floorspace, the Subject Site could revert to commercial office uses in the future should there be sufficient demand. The proposal does not preclude use of the Subject Site for commercial office uses in long-term;

The applicants evidence has been reviewed by Council staff and appears to be factually correct. However it should be noted that Economic Assessments are a particular skillset not available within Council. Given the shortfall of these land uses, it is logical that these types of land uses are best located in areas that are likely to have an acceptable impact upon adjoining land uses. In this respect, the primary trade hours for *hardware and building supplies* is likely to be weekends and evenings.

Figure 12 identifies where the other possible locations for the proposed land use are within the Local Government Area.

Figure 12

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Source: Urbis Planning Proposal page 25

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With the exception of Macquarie Park, all other areas are in town centres and in close proximity to low density residential areas that may be impacted by such a development. These potential impacts include:

- Worsened traffic on surrounding residential local streets
- Result in a poor presentation to the streets, impacting upon the urban form and nature of town centres
- Result in buildings of an inappropriate scale with adjoining and adjacent properties
- Impact on viability of 'main streets' within the town centres and small scale retail located along these streets
- Use of large sites within town centres that could be better used for commercial / office / mixed use development that adds to the viability and life of the centre.
- Reduction in employment generation of other sites within the LGA that have long term and further reaching impacts than the subject site.

It should be noted that under the RLEP 2014, hardware retailing will be permissible on IN2 Light Industrial land. It is noted that the community have expressed significant concerns regarding the proposed development at 461-495 Victoria Road, Gladesville for a similar use predicated predominantly on traffic grounds. This matter is the subject of further investigation including the development of a detailed Traffic Model to analyse the impacts on traffic within the region. It is not proposed to undertake a similar exercise for the subject planning proposal in light of:

- the subject sites location within Macquarie Park,
- the likely contrary traffic flows to peak traffic,
- the Traffic Reports submitted by the applicant to date, and
- that any forthcoming Development Application would need to be accompanied by detailed Traffic Assessments detailing impacts of the proposed development quantum on surrounding street networks.

Justification: Will not unduly reduce the current supply of land to meet employment targets

Assessment: As identified previously, the reduction of employment generating land uses is considered acceptable due to the complimentary nature of the proposed land use.

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Justification: Will result in a complimentary and compatible built form and land use

Assessment: As identified previously, the proposed land use is considered to be complementary and compatible with surrounding land uses. This is due to the business park type nature of the campus style developments envisaged by Councils planning controls. In this respect, it is proposed that the development would need to be subject to the same Development Control Plan that would apply to any future development on the site. The planning proposal does not seek to incorporate or include a site specific Development Control Plan.

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

The subject portion of the site is currently zoned B7 Business Park and the principle purpose of a Masters home improvement store, being *hardware and building supplies* is prohibited in the zone. 'Garden centre' is also a prohibited use under the B7 zone. Accordingly, an amendment to the Draft RLEP 2013 is required to accommodate a Masters home improvement store on the subject site.

It should be noted that whilst the RLEP 2014 is currently with the Department of Planning and Environment awaiting gazettal, this plan is to far progressed for an amendment to be made without a standalone planning proposal that is processed independently.

The only other alternatives are for the applicant to find an alternate site. As identified previously, there do not appear to be any significant justifications issues with the proposed land use on the subject site, subject to further detailed assessment as part of a Development Application. Furthermore it is noted that the proposed land use is already permissible on the B3 Commercial Core portion of the site.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Metropolitan Plan 2036 and Draft Metropolitan Strategy 2031

The direction of both these documents is very much about protection of Specialised Centres / Specialised Precincts. They perform vital economic and employment roles across the metropolitan area. The key strategic directions for the specialised centres, outlined at Appendix B of the Draft Metropolitan Strategy 2031 which is also a reflection of the position of the Metropolitan Plan 2036 are as follows:

- The primary significance of Specialised Precincts is as employment destinations and/or as the location of essential urban services.

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- Specialised Precincts are areas containing major airports, ports, hospitals, universities and metropolitan business parks and office clusters that perform vital economic, research and employment roles across the metropolitan area.
- Have a minimum of 8,000 jobs, with the potential for more than 12,000 jobs
- Specialised Precincts have an amount of employment that is of metropolitan significance, but other uses in the Precinct are not necessarily at a scale currently of metropolitan significance.
- Over time, particular Specialised Precincts such as Sydney Olympic Park may assume a greater mix of residential, retail and service uses, and assume the role of a Major Centre. The emergence of these other uses in Specialised Precincts needs to be balanced to ensure the employment function is not compromised.
- The way Specialised Precincts interact with the rest of the city is complex and growth and change in and around them must be carefully planned to ensure they continue to serve their primary employment and economic development functions.
- Potential Specialised Precincts are areas which have the potential to become significant locations for concentrated employment growth. Potential Specialised Precincts would need to be located near existing public transport and/or be supported by public transport improvements. They would complement existing Specialised Precincts and Strategic Centres.
- Specialised functions must be protected for the long term and residential and other non-specialised but competing uses must not override the core employment activities in these precincts. Some, however, will plan for ancillary uses which are suitable, such as student or staff accommodation near universities and hospitals.
- Need high quality public places and parks for workers and nearby residents. (p. 104 Draft Metropolitan Strategy 2031)

In considering the above, the planning proposal does not contravene the above directions.

Draft Inner North Subregional Strategy

A key point of the subregional strategy is to ensure that Macquarie Park *'continues to evolve as Australia's leading technology park with jobs growth, further investment and improved public transport accessibility'*.

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As identified previously, the proposal is considered to be complementary and compatible to the nature of Macquarie Park and its future growth and development. Furthermore, the proposed land use is already permissible within the corridor within all B3 Commercial Core zoned sites. The minor land use zoning change proposed is considered acceptable.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The only applicable local strategy is the Local Planning Study 2010. In this respect, the relevant sections are the Centres and Corridors Study and the Employment Study.

Centres and Corridors Study:

The stated vision / desired future character is:

Macquarie Park will mature into a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity

The corridor will be characterised by a high quality, well designed, safe and liveable environment that reflects the natural setting with three accessible and vibrant railway station areas providing focal points.

Residential and business areas will be better integrated and an improved lifestyle will be forged for all those who, live work and study in the area.

The proposed additional land use will not contradict the above vision.

The desired future character for Epping Road Corridor is:

- *A significant commuter corridor*
- *Define the edge to the Macquarie Park Corridor – an employment, education, retail, recreation and residential centre*
- *Permeable for Ryde residential communities. It will be safely and easily traversed and provide convenient access to jobs, public transport, services, facilities and amenities in Macquarie Park*
- *Noted for significant 'green spaces' along Terry's Creek and Shrimpton's Creek*

The proposed additional land use will not contradict the above desired future character.

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Employment Study

The proposed reduction in employment capacity will not prevent Macquarie Park from achieving the employment targets detailed within the employment study in response to the Metropolitan Strategy.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Generally the proposal does not contradict any applicable State Environmental Planning Policies, subject to further detailed assessment at the Development Application stage and the associated detailed information required at this stage.

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

The applicable Section 117 directions are detailed below.

Direction	Assessment
1.1 Business and Industrial Zones Objectives (1) <i>The objectives of this direction are to:</i> (a) <i>encourage employment growth in suitable locations,</i> (b) <i>protect employment land in business and industrial zones, and</i> (c) <i>support the viability of identified strategic centres.</i>	The proposed land use addition does not seek to erode or reduce the total employment land in the business zone. Whilst the proposal will result in a loss of potential employment generation on the site of 1,888 employees but the proposed land use is considered complementary and compatible the strategic intent of Macquarie Park and the land uses and built form contained within it. As such, it is considered that the proposal satisfies this direction.
3.4 Integrated Land Use and transport Objectives (1) <i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i> (a) <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i> (b) <i>increasing the choice of</i>	It is considered that the proposed additional land use does not contradict this direction.

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<i>available transport and reducing dependence on cars, and</i> <i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> <i>(d) supporting the efficient and viable operation of public transport services, and</i> <i>(e) providing for the efficient movement of freight.</i>	
6.1 Approval and Referral Requirements <i>(1) The objective of this direction is to ensure the LEP provisions encourage the efficient and appropriate assessment of development.</i>	The requested rezoning is consistent with Direction 6.1 as it is not designated development and does not require the concurrence.
6.2 Reserving Land for Public Purposes Objectives <i>(a) To facilitate the provision of public services and facilities by reserving land for public purposes, and</i> <i>(b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>	The proposal does not seek to affect land zoned or reserved for a public purpose. The proposed public infrastructure currently applies under the existing planning controls, albeit in an amended form and will continue to apply to the site under the existing controls and Amendment 1.
6.3 Site Specific Provisions Objective <i>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>	Given that the proposal seeks to maintain the existing zoning and include a Schedule 1 land use addition, it is considered to be consistent with this direction.
7.1 Implementation of the Metropolitan Plan Objective <i>(1) 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.</i>	As identified elsewhere in this report, it is considered that the proposal is generally consistent with Metropolitan Plan for Sydney 2036.

Environmental, social and economic impact

Council, dated 1 July 2014, submitted on 24 June 2014.

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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?

It is noted that the site contains some non-naturally occurring Sydney Turpentine Ironbark Forest, *Eucalyptus scoparia* (Wallangara White Gum), and *Eucalyptus nicholii* (Narrow-leaf Black Peppermint) on the site. The proponents have provided a Flora and Fauna Assessment that concludes the following:

Although there are some species consistent with the TSC Act listed Sydney Turpentine Ironbark Forest on site, it is likely that there have been planted and are not remnant native vegetation, and do not meet the criteria for the EEC.

Two threatened plant species were present on site. However, both of these species have been planted and occur well beyond their natural range, therefore, are considered managed vegetation and not remnant native vegetation.

The site may provide some foraging value to a number of threatened fauna species, however, due to the proximity to Lane Cove National Park significant foraging habitat exists nearby.

A qualified fauna ecologist should be required on site during any clearing activity to ensure any resident fauna are removed and relocated appropriately. Techniques such as soft fall tree removal will minimise fauna mortality.

It should be noted that should the planning proposal be supported, it will be subject to further detailed ecological investigations as part of a future Development Application.

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

The most significant environmental effects resulting from the planning proposal are those relating to traffic and access. However the applicants have provided the following justification:

Traffic and Access

*A Traffic Report and further supplementary Traffic Report has been prepared by Colston Budd Hunt & Kafes (CBHK) (**Appendix B**) which considers the traffic, access and parking arrangements of a Masters home improvement store on the subject site. Each of the key issues covered in this report are discussed below:*

ITEM 5 (continued)**Parking**

The Traffic Report indicates that sufficient car parking to support the Masters home improvement store can be contained within the basement level of the Masters home improvement store with access from the proposed Road 3. This will enable the Masters home improvement store to have car parking separate to other uses on the site, however will contain a higher volume of car parking on the Masters allotment than on other parts of the site which will generate greater commuter employment lending itself to a higher use of public transport.

The proposed parking rates shown in the indicative concept plan have been determined with regard to RMS surveys of the parking demands of other home improvement centres including two centres at Bankstown and Minchinbury which are similar in size to the proposed Macquarie Park Masters. The RMS parking demand surveys found peak parking demands of 318 at Bankstown and 264 spaces at Minchinbury which includes customer and staff parking areas. This represents a rate of 2.2 to 2.3 spaces per 100sqm at peak times.

Based on these rates the proposed Masters home improvement store of 13,706sqm would have parking demands of some 315 spaces (including staff and customer parking). The proposed provision of some 390 spaces satisfies this requirement.

Access

The Indicative Site Master Plan prepared by Fitzpatrick Architects indicates vehicle access will be via Wicks Road and Waterloo Road. The site plan will support the development of the two new fine grain roads through the site (Road 3 and Road 11), with Road 3 running north-south through the site being delivered as part of the infrastructure updates proposed as part of the Masters development.

In addition, pedestrian access will be improved through the site by providing new pedestrian routes from Waterloo Road to Road 3, and also from Road 3 to Epping Road. This will enhance the walkability of the site, and further improve access for employees to public transport services running along Waterloo Road and Epping Road.

As discussed in the supplementary Traffic Report, a number of options have been investigated to provide appropriate access to the site. These included:

- *Provision of traffic signals at both or either of the intersections of Road 3/Wicks Road and Road 11/Waterloo Road. These options were not supported as either they didn't meet RMS warrants for traffic signals (in the short term) or had an adverse impact on traffic flows on Wicks Road.*

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- *Priority control with all movements permitted at both or either the intersections of Road 3/Wicks Road and Road 11/Waterloo Road. These options were not supported as uncontrolled right turns out of Road 3 or 11 had insufficient capacity during the afternoon peak periods; and*
- *Priority control with left in/left out access at the intersections of Road 3/Wicks Road and Road 11/Waterloo Road. These options were not supported as they did not provide appropriate access to the site.*

With consideration to the above, the proposed access is as follows:

- *The intersection of Waterloo Road and Road 11 would be priority controlled with the right turn from Road 11 onto Waterloo Road not permitted (due to the traffic flows on Waterloo Road in the weekday peak periods). Traffic exiting the site and wishing to travel back to Wicks Road could undertake a U turn at the Thomas Holt Drive/Waterloo Road roundabout located to the west of the site; and*
- *The intersection of Wicks Road and Road 3 would be priority controlled with left in/left out access (as per the approved development). Right turn ingress from Waterloo Road is required in order to provide access from traffic originating from the north (along Lane Cove Road) or west (from the M2).*

Traffic

In regards to weekday and weekend peak periods, the Supplementary Traffic Report notes the following with regard to the existing traffic conditions:

- *The traffic signal intersections of Lane Cove Road/Waterloo Road, Lane Cove Road/Epping Road and Epping Road/Wicks Road are currently operating at or near capacity in the weekday morning and afternoon peak periods. In the Saturday midday peak period these intersections are operating at satisfactory levels of service with average delays of less than 45 seconds per vehicle; and*
- *The priority controlled intersection of Wicks Road/Waterloo Road is operating at a satisfactory or better level of service in the peak periods with average delays of less than 20 seconds per vehicle. The traffic effects of the approved commercial development and proposed Masters development on these traffic conditions have been assessed.*

The Traffic Report identifies that the 27,340sqm commercial development approved under LDA2008/0531 would generate some 270 vehicle movements per hour two-way during weekday morning and afternoon peak hours. The

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assessment of traffic implications for the Masters home improvement store indicates the following traffic movement generation (based on RMS guidelines that 20% of retail traffic is from passing trade):

- *Weekday morning peak hour: some 130 to 140 vehicles.*
- *Weekday afternoon peak hour: some 260 to 270 vehicles.*
- *Weekend peak hour: some 670 to 680 vehicles.*

Therefore, during weekday peak periods, the proposed Masters would have a lesser traffic generation during the morning and a similar traffic generation during the afternoon compared to the approved commercial development on the site. The traffic generation associated with the Masters home improvement centre would be more evenly distributed than a commercial development which generates mostly inbound movements in the morning and outbound movements in the afternoon. The traffic generation on a weekend from the Masters development would be off-set by lower background traffic flows in the Macquarie Park employment area.

The supplementary Traffic Report concludes the following in relation to traffic generation:

Replacing the approved commercial development with Masters has little or no impact on the operation of the surrounding road network in 2031 during the weekday morning and afternoon peak periods. Intersections along Epping Road and Lane Cove Road would continue to operate at or near capacity in the weekday morning and afternoon peak periods in 2031. During the Saturday midday peak period, the proposed Masters development would result in only minor increases in average delays per vehicle, except for the intersection of Lane Cove Road/Waterloo Road. However, this intersection would still operate at a satisfactory LOS C with Masters.

The traffic generation associated with the development is not considered to result in any unacceptable impacts on the surrounding road network.

Council's Traffic Engineers have reviewed the submitted documentation and do not raise any objections to the proposed development subject to further information being provided at the Development Application stage. It should be noted that the proponents have committed to delivering the following infrastructure upgrades:

As part of the delivery of the Masters development, the proponent is committed to delivering the following infrastructure upgrades:

- *Road 3 through the site (from the Wicks Road boundary to the northern boundary adjoining 65 Epping Road).*

ITEM 5 (continued)

- *The intersection of Wicks Road and Road 3 to be priority controlled with left in/left out access.*
- *The intersection of Waterloo Road and Road 11 to be priority controlled with the right turn from Road 11 onto Waterloo Road not permitted.*
- *Two pedestrian links between Road 3 and Epping Road.*

This infrastructure will support the Masters development and also support further development of the site for commercial uses. The new street pattern illustrated on the Indicative Site Master Plan demonstrated new infrastructure proposed as part of the Masters development will create accessible new parcels of land which can accommodate marketable building envelopes with floorplates reflective of current office requirements.

In should be noted that any required infrastructure would need to be subject to review and detailed assessment as part of any forthcoming development application.

Has the planning proposal adequately addressed any social and economic effects?

The most significant social and economic effects resulting from the planning proposal are the potential loss of employment generation of 1,888 jobs. However as determined previously this is not considered to be significant. Accordingly, it is considered that adequate regard to the social and economic effects has occurred.

State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

It is considered that there is sufficient public infrastructure, subject to the provision of the infrastructure identified and detailed in Council's Amendment 1.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with state or Commonwealth public authorities has occurred. However, should the proposal be supported by Council, it is assumed that the Gateway Determination will require consultation with the Roads and Maritime Service.

ConsultationInternal Consultation

The Planning Proposal was referred to the relevant Council staff for comment on traffic. The comments of these sections have been captured within this report.

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Community Consultation

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning and Infrastructure's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan.

If the Planning Proposal progresses to Gateway additional required consultation would also include written notice:-

- to local state government representatives
- consultations considered necessary by Planning and Infrastructure with relevant State and Commonwealth authorities.

The written notice would:

- provide a brief description of the objectives and intended outcomes, indicate the land affected,
- state where the planning proposal can be inspected,
- indicate the last date for submissions and
- confirm whether the Minister has chosen to delegate the making of the LEP.

Critical Dates

Under the Department of Planning and Infrastructures "A guide to preparing local environmental plans" a pre gateway review system exists where by a Proponent can request an independent body review decisions in relation to proposed amendment to LEPs.

A Pre Gateway review:

- may be requested by a proponent if the council has notified them that the request to prepare a planning proposal is not supported or
- the council has failed to indicate its support 90 days after the proponent submitted a request.

Pre – Gateway Review

Council, dated 1 July 2014, submitted on 24 June 2014.

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The *Environmental Planning and Assessment Regulations 2000* requires council's to notify a proponent when the council decides not to prepare a planning proposal. The proponent of the proposed instrument then has 40 days from notification to request a review of the council's decision.

If a Pre – Gateway review is requested the DoPI undertakes an assessment to determine whether the proposal:

1. has strategic merit as it:
 - is consistent with a relevant local strategy endorsed by the Director General or
 - is consistent with the relevant regional strategy or Metro Plan or
 - can otherwise demonstrate strategic merit, giving consideration to the relevant s117 Direction and other strategic considerations
2. has site specific merit and is compatible with the surrounding land uses having regard to:
 - the natural environment,
 - existing uses, approved uses and likely future uses of the land in the vicinity of the proposal
 - The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangement for infrastructure provision.

If the DG determines that the proposed instrument does not qualify for review, Planning and Infrastructure notifies the proponent and council

If the review request progresses the proposed instrument is referred to the regional panel/PAC. A recommendation is provided to the Minister. The Minister will make the final decision with respect to the proposed instrument.

If the Minister decides to proceed with the Planning Proposal:

- The Council may be requested to submit a Planning Proposal to the Gateway within 40 days, or
- The Minister may consult with the General Manager of the council to discuss the possibility of changing the relevant planning authority to the DG of the Department (or other body)

Financial Impact

ITEM 5 (continued)

Adoption of the options outlined in this report will have no financial impact. Council should note that the lodgement of the planning proposal has been subject to Council's Fees and Charges Schedule to amend Local Environmental Plans.

Policy Implications

Given that the proposal is considered to be generally in accordance with Councils current planning controls, it is not considered that should the proposed recommendation be endorsed that there are any significant policy implications.

Options

Council has the option to decide to:

- proceed with the planning proposal to the next stage (gateway determination and community consultation) as recommended in this report or
- not to proceed with the planning proposal on the basis that it diminishes employment potential on the site, may generate significant traffic, is incompatible with the current zoning, is not in the public interest, or for any other reason put forward by Council.

Conclusion

It is recommended that Council support the proposed addition of *garden centre* and *hardware and building supplies* into Schedule 1 of RLEP 2010 and RLEP 2014 for 144 Wicks Road for the following reasons:

- these uses are considered to be compatible with other uses within close proximity to the site including, Harvey Norman, Domayne and Officeworks,
- The resultant built form will be subject to the same planning controls as any other development on the site and will be complimentary with surrounding development,
- The use of the Epping Road frontage for a Masters development will allow the use of the remainder of the site as commercial / office premises. This will allow for the strengthening of Waterloo Road as the central spine of the Macquarie Park Corridor,
- The potential reduction of employment generation for the B7 Business Park portion of the site is off set by revitalisation of the currently vacant site which may lead to further development within this area of Macquarie Park Corridor,
- The proposed land uses are better located within the Macquarie Park Corridor rather than other town centres.

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