



28 November 2012

**CONCEPT PLAN FOR RESIDENTIAL DEVELOPMENT
AT ALLENGROVE CRESCENT, EPPING ROAD, LANE COVE ROAD, NORTH RYDE**

On 3 May 2012, the Planning Assessment Commission (Commission), as delegate of the Minister, refused a transitional Part 3A Concept Plan application for residential flat development at the above site.

On 23 May 2012, the Proponent EGC Custodian Services (EGC) filed Class 1 proceedings with the Land and Environment Court of NSW (Court) appealing against the refusal (LEC 10468 of 2012). A conciliation conference under Section 34 of the *Land and Environment Court Act 1979* (section 34 conference) was held. As part of the conciliation process, EGC submitted amended plans and supporting documentation reflecting a significantly reduced development.

The Commission considered the amended plans, assisted by independent planning and traffic experts. The Commission found the amended plans:

- reduced the maximum height of the development from eight-storeys to five-storeys (at the corner of Epping Road and Lane Cove Road, and two to three-storeys fronting Allengrove Crescent). In the Commission's view the reduced heights substantially improved the proposal's relationship to the surrounding development, while minimising amenity impacts on neighbours;
- reduced the density and the number of carparking spaces*; and
- will secure reasonable amenity for future residents, noting any future development application(s) must demonstrate compliance with *SEPP 65 – Design Quality of Residential Flat Development* and the *Residential Flat Design Code 2002*.

** NOTE: The plans endorsed as part of the Concept Plan establish the development's overall layout, including the footprint and height of the buildings. The indicative floorplans in the approved plans show 154 units and 205 car parking spaces. The Council is the consent authority for the subsequent development application(s). The final number of units and carparking spaces will be determined as part of subsequent development application(s) to be submitted to the Council. Any consent for all or any part of the project must be generally consistent with the Concept Plan approval.*

In the Commission's view the amended development is reasonable considering the site's location, surrounds, and proximity to public transport. The reduction in height, density and traffic generation would minimise the development's impacts on its neighbours and the road network. As such, the Commission agreed that the amended Concept Plan could be approved and that it was not necessary to proceed to a hearing.

The Court entered Orders to allow the appeal in accordance with the parties' agreement, without the need for hearing. The Commission approved the amended Concept Plan on 28 September 2012.

The Proponent subsequently submitted an application known as a 'slip rule application' to the Court to correct errors it had made in the site's Lot and Deposited Plan details. The Court sealed the amended Orders on 21 November 2012. The Commission approved the amended Concept Plan in accordance with the amended Orders on 23 November 2012. Corrections have been made to Schedule 1 of Annexure B attached to the section 34 agreement and page 1 of the Concept Plan approval by amending the Lot and Deposited Plan numbers.

Correspondence from the Court dated 14 November 2012, the Court sealed amended Orders dated 21 November 2012, and the amended Concept Plan approval notice signed 23 November 2012 are available on the Commission's website www.pac.nsw.gov.au.

Enquiry: Ms Sera Taschner (Commission Secretariat) on 9383 2117.