

Reference: Environmental Services Division Report No. 30
Subject: 150 Epping Road, Part 3A Environmental Assessment
Record No: SU4044 - 36034/11
Author(s): Stephanie Bashford

Executive Summary

This report discusses the issues concerning a Concept Plan for 150 Epping Road for a mixed use development of up to 25 storeys, with environmental protection proposed over the eastern bushland portion of the site.

The application has been placed on public exhibition by the Department of Planning until 2 September. The Department has extended the submission date for Council to Friday 9 September 2011 to enable Council to consider the proposal at this meeting and make a submission should it wish. A Briefing Paper and CD describing the proposal and the Part 3A process were provided to Councillors on 15 August.

A draft submission is attached at **AT-1**, supporting Council's resolutions of 6 December 2011 for:-

- (i) the zoning to remain industrial; and
- (ii) (ii) the maximum height to be 39 metres (12-13 storeys) and FSR 1.1:1 to apply if mixed use proceeds.

These resolutions took into account the advice of independent consultancies, GMU Urban Design & Architecture Pty Ltd and Tim Williams Architects.

The site's future is considered of high importance to Council, given its prominence at the western entry to Lane Cove, its setting in an industrial zone by the Lane Cove River and the proposal's potential to be highly visible from Willoughby and Ryde council areas.

The submission comments on a range of detailed issues in the Concept Plan proposal, which had not been issued at the time of Council's resolutions last December. It expresses concerns at the application's inadequate response to the Director-General's Requirements and its significant departure from the scale of concepts presented by the developer to Councillor workshops.

It is recommended that Council consider the submission attached at AT 1 for staff to forward to the Department of Planning.

Background

Part 3A Process

The Briefing Note for Councillors, attached at **AT-2**, details the Part 3A process and changes to it announced by the Government on 13 May 2011. A list was announced of developments (generally those less than two years old) which would continue to be assessed under Part 3A but not by the Minister. The 150 Epping Road site was one of these projects to be determined by the Planning Assessment Commission.

2008

In 2008 Council resolved that the site be rezoned to High Density Residential R4 in DLEP 2008, in response to community concerns regarding potential rezoning of existing low density suburbs with

resulting traffic impacts in local streets. It had not, however, counted this site towards its residential target, in view of the Department not supporting the site for residential zoning.

2010

- Factors changed with the introduction of LEP 2009 in February 2010, in which the Department rezoned a number of areas for high density residential on major transport routes. This included the Pacific Highway/ Longueville Road precinct, incorporating an obsolete RTA works depot and retail strip.
- Council received a rezoning proposal for High Density R4 use from Rosecorp, with a 44 metre height limit. Before determining the matter Council resolved that an Urban Design Analysis be undertaken.
- Two (2) independent consultancies, GMU Urban Design & Architecture Pty Ltd and Tim Williams Architects, provided urban design analyses of the site, as described below. A summary of their methodology is at **AT-3**. Copies of each of their reports are at **AT-4**, **AT-5** and **AT-6**.
- On 18 October 2010, Council resolved “that the Light Industrial IN2 zoning of 150 Epping Rd under LEP 2009 remain unchanged”.
- On 19 October 2010, Council received a letter dated 12 October 2010 from the Minister for Planning declaring a proposal for a mixed use redevelopment by Rose Group a Major Project, and stating: “In forming the opinion to declare the project, I have advised the Proponent that that the relationship to adjacent non-residential land uses and potential amenity impacts, environmental constraints and access to public transport end services will need to be carefully considered. I have also requested that the proposal provide a varied and high quality urban design response for the site and locality.”
- On 25 November 2010, Council submitted comments on the above application, that the site was not required for Council’s residential target and expressing concern at the site’s proximity to industrial uses, including the National Starch factory and SC Johnson. A copy of the letter is at **AT-7**.
- On 6 December 2010, Council resolved to support:-
 - (i) the site remaining Light Industrial IN2 zoning
 - (ii) if, alternatively, Mixed Use proceeds, a maximum height of 39 metres and FSR of 1.1:1 over the site as a whole; and
 - (iii) Environmental Protection applying to the eastern bushland “handle” of approximately 1.35 hectares.
- On 14 December 2010, the Director-General’s Requirements for the site were issued. A copy is at **AT-8**. For the reasons discussed in the Submission, it is not considered that the application adequately addresses the Director-General’s Requirements, in particular in relation to relevant regional and other strategies, loss of employment land, the impact of the high density residential development being located away from centres and services and issues relating to the surrounding industrial land uses (e.g. the issue of odour permitted to be released from National Starch is not satisfied).
- On 1 August 2011, the Department advised Council of the exhibition of the Part 3A proposal.

Discussion

Concept Plan Design

The proposal is for a mixed use development comprising:-

- Residential: 34,343m²
- Commercial: 2,750m²
- Retail and Communal space: 2,592m²
(Note: these are for the site's use, not for the general public)
- Total floor space: 39,675m²

The proposal would provide 5 buildings of 1-2, 4-6, 10 and 25 storeys. It includes 440 residential units, with 10% affordable housing units, and 749 car spaces.

The proposal significantly exceeds the scale resolved on by Council on 6 December 2010:-

- | | <i>FSR</i> | <i>Height (max)</i> |
|-----------------------|------------|---|
| • Council resolution: | 1.1 :1 | 12-13 storeys – 39 metres |
| • Proposal: | 1.25:1 | 25 storeys – estimated b/w 75-94 metres |

Residential Target

LEP 2009 now already provides for approximately 5,540 new dwellings. If this figure were modified as a result of the current Mowbray precinct review or other planning proposals, Lane Cove may still meet its current target. If not, it would be consistent with Council's approach to date to then consult the community on alternative locations for residential growth, in particular, in proximity to existing shops, major transport nodes and community facilities at Lane Cove Town Centre and St Leonards Specialised Centre. The proposal for 150 Epping Road is not required in order for Lane Cove to meet its residential target under the Metropolitan Strategy for Sydney.

Bushland

The application proposes to retain the bushland on the eastern portion of the land, a 1.35 hectare "site handle", with private or Council ownership through "suitable legal protections for full public access and ongoing maintenance", including a restrictive covenant and Voluntary Planning Agreement. It is noted that the certificate of title from the site's purchase in the early 1990s already requires a "right of footway" (Lot 21 DP 825400 2nd Schedule item 9) across the bush handle. This bushland protection would at the same time be able to be required equally with comparable mechanisms for industrial redevelopment.

In LEP 1987 an Environmental Protection zoning overlay applied to part of this bush handle. It was removed by the Department of Planning without explanation before notification (gazetted) of LEP 2009.

Consultants' Analysis

During 2010, two independent consultancies, GMU Urban Design & Architecture Pty Ltd and Tim Williams Architects, provided urban design analyses of the site for Council. It was on the basis of these that Council resolved that, if mixed use proceeded, the maximum height should be 39 metres and FSR of 1.1:1.

Submission

The submission comments on a range of zoning, urban design and environmental issues considered to be of importance to Council, given the site's prominence at the western entry to Lane Cove, its setting in an industrial zone by the Lane Cove River and the proposal's potential to be highly visible from Ryde and Willoughby council areas adjacent. It does not, however, aim to comment on all details covered in the extensive documents on exhibition. The key points in the submission include:-

- The loss of employment lands has not been justified by this application, and is not supported by the Metropolitan Strategy, Draft Inner North Subregional Strategy, Section 117 Directions or directives to Council.
- Council already exceeds its current residential target of 3,900 dwellings under Metropolitan Strategy 2031, and the location of additional dwellings to achieve its 2036 target, not yet announced, should be subject to future community debate before any further rezonings.
- If the Department changes its policies in favour of mixed use, Council does not support the proposal exceeding a maximum height of 39 metres and FSR of 1.1:1.
- Traffic access and impacts, specifically on the Epping Rd/ Mowbray Rd intersection to the west, should be resolved prior to either industrial or mixed use redevelopment being approved.
- A range of urban design and environmental details are raised for the Department's consideration.
- The application's inadequate response to the Director-General's Requirements.

Conclusion

An Environmental Assessment for a Concept Plan is on exhibition for 150 Epping Road for a mixed use development of up to 25 storeys, with environmental protection controls proposed over the eastern bushland portion of the site. The Department of Planning has extended the submission date for Council from 2 September to Friday 9 September 2011 to enable Council to consider the proposal at this meeting. The site's future is considered of high importance to Council, given its prominence at the western entry to Lane Cove, its setting in an industrial zone by the Lane Cove River and the proposal's potential to be highly visible from adjacent council areas.

A draft submission is attached commenting on a range of zoning, urban design and environmental issues. These include: the proposal's inconsistency with the Metropolitan Strategy and other policies, scale being excessively out of character with its locality, impact on views from Willoughby and Ryde including the National Park, isolation from social infrastructure and inadequate response to the Director-General's Requirements. It is recommended that Council endorse the draft submission attached at AT 1 to be forwarded to the Department of Planning. Executive Manager's comment: Notwithstanding the comments and concerns raised in this report, Council should have regard to long-held concerns to encourage affordable housing opportunities for middle-income and service professionals including – police/ teachers/ nurses and the like.

RECOMMENDATION

That Council endorse the draft submission dated 6 September attached as **AT-1** to be forwarded to the Department of Planning.

Michael Mason
Executive Manager
Environmental Services Division

<p>Ordinary Council Meeting 5 September 2011 ENVIRONMENTAL SERVICES DIVISION REPORT NO. 30</p>
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ATTACHMENTS:

AT-1	View	Draft Submission on Environmental Assessment - 150 Epping Rd: September 2011	19 Pages
AT-2	View	Part 3A Process	2 Pages
AT-3	View	Urban design consultants' Methodology	2 Pages
AT-4	View	GMU Report September 2010	22 Pages
AT-5	View	Tim Williams Architects Report 24 May 2010	8 Pages
AT-6	View	Tim Williams Architects Report 25 May 2010	7 Pages
AT-7	View	Council letter re part 3A application 25 November 2010	2 Pages
AT-8	View	Director-General's Requirements 14 December 2010	7 Pages