

Encl. B

6 September 2011

Our Ref: 35899/11

Mr Sam Haddad,
Director-General,
NSW Department of Planning & Infrastructure,
23-33 Bridge St,
SYDNEY NSW 2000

Attention Mr John Phillpott

Dear Sir,

**RE: SUBMISSION ON PART 3A ENVIRONMENTAL ASSESSMENT/ CONCEPT PLAN –
150 EPPING ROAD, LANE COVE WEST (MP110_0148)**

Council wishes to make a submission on the Environmental Assessment for a Concept Plan for a mixed use development at 150 Epping Road, Lane Cove West under Part 3A of the Environmental Planning & Assessment Act 1979. The attached submission is set out in three sections:-

- A. Zoning/ land use
- B. Concept Plan Analysis
- C. Submission Summary

The submission concludes that: the proposal is inconsistent with the Metropolitan Strategy and other policies, the loss of employment land is not justified, its scale is excessively out of character with its locality, the impact on views from Willoughby and Ryde including the National Park is unacceptable, the site is isolated from social infrastructure and overall the application is an inadequate response to the Director-General's Requirements.

Council thanks the Department for extending the submission period to enable Council to consider the proposal at its meeting on 5 September.

Thank you for the opportunity to comment on the proposal.

Yours sincerely,

Craig Wrightson,
Acting General Manager

**SUBMISSION TO DEPARTMENT OF PLANNING & INFRASTRUCTURE
PART 3A - ENVIRONMENTAL ASSESSMENT/ CONCEPT PLAN –**



150 EPPING ROAD, LANE COVE WEST (MP110_0148)

LANE COVE COUNCIL
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Introduction

Council wishes to make a submission on the Environmental Assessment for a Concept Plan for a mixed use development at 150 Epping Road, Lane Cove West under Part 3A of the Environmental Planning & Assessment Act 1979. This submission is set out in three sections:-

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A. Zoning

Council has given consideration in recent years to the site's potential for industrial, mixed and residential uses, recognizing that there are factors meriting assessment for each of these alternatives. On balance, however, Council has concluded that the proposal for mixed use/ residential is not proven to be appropriate for the site's future.

1. Council's resolution to retain industrial zone

The Part 3A proposal is for mixed use comprising commercial, retail and residential with communal facilities (note: this is not "community facilities" for public use). Council had, however, resolved on 6 December 2010 that the 3.16 hectare site should remain zoned Light Industrial IN2, with Environmental Protection applying to the 1.35 hectare eastern "spoon handle", taking into account the advice of independent consultancy, GMU urban designers. Council's submission is that the Light Industrial IN2 zoning should remain.

It is noted that the applicant states that a residential zoning for the site was supported by staff as late as October 2010 (p.36 of the applicant's report). The staff recommendation of 18 October was not in fact in favour of any specific zone but: "That Council determine its preferred options for the site's (i) use, (ii) height and (iii) floor space ratio".

2. Residential target already met

Although the application emphasizes the importance of this site for Council in achieving its residential target under the Metropolitan Plan 2036, Council's current plans and policies aim to achieve that target in other locations closer to shops, major transport nodes, medical services and community facilities, specifically within walking distance of Lane Cove Town Centre and St Leonards Specialised Centre.

Formerly, Council had resolved that the site be rezoned to High Density Residential R4, 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. Subsequently, 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. Additionally, the Department rezoned the Mowbray precinct west of Centennial Avenue to high density.

A review is being undertaken of the precinct's planning controls. This has the potential to result in the dwelling yield being modified, but Council submits that, if that review results in a reduction in dwellings for Lane Cove's residential target, the shortfall should be made up close to shops, major transport and community facilities - 150 Epping Road's use and density should not be determined by the density of the Mowbray precinct.

The factors which have changed since 2008, when Council supported residential for this site, have altered Lane Cove's dwelling yields.

- Metropolitan Strategy 2031: 3,900 dwellings
- Metropolitan Plan 2036: 5,720 dwellings (unconfirmed *).

* The 2036 figure assumes the same proportion of increase in Lane Cove as in the Draft Inner North Subregional Strategy (13% of the Inner North's 44,000 dwellings). The actual 2036 target has not yet been released, however, and it is noted that:-

- the new State government has indicated consideration of a 50/50% split between inner and outer Sydney areas as an alternative to the 30/70% split in the Subregional Strategy;
- Household sizes are reported by ABS staff comments to be increasing. This, if the case, contrasts with the Subregional Strategy's data of "average household sizes anticipated to fall from 2.65 to 2.36 people per dwelling" (page 62), and may reduce the dwelling target requirements.

In short, Lane Cove's dwellings target and the locations for growth should be subject of public discussion once the targets for the Inner North and each council are released, and should not be pre-empted by approval of this site contrary to Council's policy, LEP 2009 and the Department's long-standing policy for this site to remain employment land. Council should not be committed to increasing its dwellings before the 2036 figure is provided (noting that the Subregional Strategy of 2007 itself still remains a Draft). There are no new grounds provided to alter those policies of continuing the site's retention for employment lands.

In the interim, Lane Cove is providing a substantial proportion of the foreshadowed 2036 target even before it is released:-

- LEP 2009, currently (1): 5,540 dwellings or
- LEP 2009, modified (2): 4,910 dwellings.

Notes: (1): Estimate is based on DAs submitted under current LEP controls of FSR 2.1:1 and Height 12 metres, or
 (2): Assumes that the Pacific Hwy/ Longueville Rd precinct's FSR is modified as resolved by Council on 6 December 2010.

Council reiterates that, as it already substantially exceeds its residential target of 3,900, its dwelling growth to meet a future as yet unknown target should be the subject of future

community discussion, related to criteria for sustainable growth locations, rather than piecemeal by rezoning of 150 Epping Road under this application.

The inclusion of affordable housing does not in itself merit rezoning, given that it is a short-term measure (a ten-year commitment only).

3. Employment land loss is not justified

Council's submission for the land to remain an industrial zone supports the Department's continuous and long-standing policy.

- The Metropolitan Plan 2036 identifies this site within the Global Economic Corridor "of concentrated jobs and activities [to] remain the powerhouse of Australia's economy" (page 12). The statement on page.63 that "the proposed residential zone is consistent with the Metropolitan Plan" is incorrect.
- The Draft Inner North Subregional Strategy 2007 further specifically identifies "150 Epping Road (part of Lane Cove West)" as "land with potential to allow for a wider range of employment uses" (page 26). Identifying this site as part of Lane Cove West indicates the Lane Cove West Industrial Area listed in the same table. The reference to the site being "currently under investigation for possible rezoning" refers to the applicant's proposal rather than any study by the Department.
- The Department instructed Council to exhibit the site with industrial zoning in DLEP 2008.
- A Section 117 Direction objective for 1.1 Business and Industrial Zones is "to protect employment land in business and industrial zones". The proposal does not justify the criteria for reduction in such lands, that it should be:-

"(a) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction":

The applicant's comparison of industrial and residential uses does not constitute a study, which could be expected to assess data on site size and configuration requirements for different industrial/ high tech uses, industrial trends, market demand in the subregion etc. This study should be required by the Department before rezoning can be considered in a realistic context

Some of the benefits related to residential use would apply equally to modern industrial use, such as the site's location on Epping bus routes close to the M2, the future upgrades for vehicle access, non-polluting land use etc.

"(b) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction":

As above, this proposal contradicts the Department's Strategies.

"(c) of minor significance":

The loss of 5% (one twentieth) of the Lane Cove West Industrial Area is not minor, in view of the Subregional Strategy's comments on this Area's importance: "There is relatively limited supply of Employment Lands within the Inner North Subregion... concentrated within Willoughby (94 hectares) and Lane Cove (63 hectares)" and "there is scarce underutilized land". This is one of the few sites in that category. "The Subregion has experienced rates of rezoning of Employment Lands over the last 19 years".

This site is not isolated from the adjacent industrial area as stated, but is contiguous with 166 Epping Road and 170m Epping Road and adjoins a road linking to 160 Epping Road. By contrast, residential use would be genuinely isolated from residential precincts.

The precedent for a later demand to extend the rezoning to those adjacent industrial sites, as raised in the GMU study, increases the concern at loss of employment land potential. This demand may result from incompatible factors such as odour, which the Environmental Assessment lists but does not address.

B. Concept Plan Analysis

1. Built Form

- i) **Council's Consultants – comments below include responses to the Perica & Associates Report where the report discusses findings from Council's consultants.**

A) Tim Williams Architects

It is not true, as stated in the Perica & Associates report, that "however, it is clear that Mr Williams believed a 24 storey building may be appropriate for the site".

Tim Williams considered the option put forward by Rose Group (12 & 9 storey buildings) on 24 May 2010 and on 25 May 2010 modeled 2 more options but did not analyse these two options. The purpose of this additional work was to show Council two other options for the site to augment Council's understanding of what various site options would look like. Mr Williams did not endorse either of these 2 additional options.

In his submission of 25 May 2010, Mr Williams is merely detailing a possible scenario for a tall tower on the site as per Council's request.

In the conclusion of Mr Williams' report of 24 May 2010, he states:

".....

The visual dominance of such a large development in an isolated position will have a profound impact on the landscape.

The proposal is for four residential buildings that amount to a visual mass that will not only be out of character with the green environment but will be out of scale with the isolated industrial buildings in the area."

In the conclusion of Mr Williams' report of 25 May 2010, he states:

"We trust you find these options useful." No discussion of the options nor any recommendations were included.

Mr Williams does not endorse any option put forward for the site by Rose Group or modeled by him for Council's consideration.

B) GMU Report

The Perica & Associates Report states that "Importantly, the report [GMU report] found that a mixed use development for the site involving residential use would be the most appropriate."

Although GMU did indicate that the best solution is to:

- Further investigate the mixed use option, with commercial positioned along Epping Rd to buffer any residential uses behind, and for the remainder of precinct to be considered in terms of its final use – potentially as residential to allow connection of the pocket of residential across the river to these more isolated sites.

GMU also:

- Commented that heights over 39m are liable to have a significant visual impact and ideally most development should sit below the tree line; and
- Listed recommended further study areas including a small precinct approach to ensure development is not an isolated site within an industrial precinct

It must be emphasized that GMU saw development of this precinct for residential development viable only if it were part of a broader strategy to increase residential land in the precinct. At this point, there are no other rezoning proposals in the locality; moreover, National Starch has informed Council that they have long term plans to stay in the current location.

The submission from Perica & Associates indicates that GMU's proposed height up to 13 storeys, correlating with the treeline, is at odds with Tim Williams conclusion "...who saw opportunity for a high quality higher building form".

As stated above, Mr William did not comment on the options prepared for Council's benefit. His role was merely preparing montages of 2 building forms as briefed by Council.

The Applicant appears to have disregarded GMU's comment that if this site is developed for residential uses it should be part of the development of the precinct for residential uses. There appears to be an absence of any strategic direction at the DPI or Council level to redevelop other industrial land for residential development in this vicinity. Therefore redevelopment of 150 Epping Road may well remain in isolation.

The Concept Plan report also incorrectly states that GMU's report regarding a height limit (13 storeys) is at odds with Mr Williams' report which discussed a tower form. As indicated above, Mr Williams' report does not comment on the tower form and therefore clearly has not endorsed it.

C) GMU and the Mixed Use Zoning

The Concept Plan currently on exhibition for 150 Epping Road comprises a mixed use development.

Controlling uses when within a mixed use zoning is very difficult. The development can contain any combination of uses permitted with consent in any proportion desired by the applicant. Although GMU advocated mixed use for the site they may not have appreciated the limitations of the zoning eg, if the whole site is zoned mixed use there is no way of controlling whether residential or commercial uses are positioned adjacent to Epping Rd.

No independent consultant has been commissioned to study the loss of industrial land and the site's use for alternative industrial development (eg, high tech use would warrant investigation). As this proposal is a Part 3A application with the Department of Planning and Infrastructure (DPI) as the consent authority, exploration of the future industrial potential of the site as part of a broader strategy should be undertaken by the DPI in light of its Draft Industrial Lands Paper currently on exhibition, which retains this site as industrial. The industrial area of Lane Cove West, including this site, is identified in the Draft Inner North Sub Regional Strategy as the Lane Cove West Employment Lands. A mixed use zoning could facilitate loss of the entire site to residential development, contrary to that Strategy's identification of 150 Epping Road only as "land with potential to allow for a wider range of employment uses" (page 26).

A mixed use zoning allows very limited control over the use of the site. Under a mixed use zoning, the site at 150 Epping Road could be used solely for residential purposes into the future and employment land specified in the Sub Regional Strategy will be lost.

ii) Options Considered by the Developer in the Concept Plan Scheme

The Concept Plan states:

"The preferred option of one 25 storey building and one 10 storey towards Epping Road, as depicted in the plans by CM+, means only one building is higher than the height deemed appropriate by GMA, and the height is equivalent to the tower height deemed acceptable for a high quality building by Tim Williams."

The Rose Group proposal is twice the height of the tallest building deemed suitable by GMU. Furthermore, Tim Williams did not deem any such tower height acceptable.

In relation to height, the findings of the study prepared by GMU is not responded to by the Concept Plan proposal. Furthermore, it would appear that the two studies undertaken by Tim Williams Architects are not being considered in the context in which they were written.

iii) Floor Space Ratio

The concept plan includes an FSR of 1.25:1 calculated over the whole site (3.17 hectares) including that part of the site to have environmental protection controls. The Perica & Associates report makes reference to nearby residential FSRs of 2.1:1.

It has been indicated as acceptable to calculate the FSR over the developable portion of the site as including the FSR from the portion of the site to be environmentally protected.

If calculated over the developable portion (1.82 hectares) of the site, the proposed FSR of 1.25:1 would however then be in the vicinity of 2.18:1.

Furthermore, where the applicant has discussed Council resolving to increase the FSR for the site (in fact the proposal was for the whole Lane Cove West industrial area) this pertained to industrial uses within an industrial zoning. This does not equate to residential or mixed use development as the FSR of each produces a different built form.

The Perica & Associates report refers to nearby residential sites with FSRs of 2.1:1. It is correct that there is a precinct of sites currently zoned R4 (High Density) near Mowbray Road, Lane Cove, however it needs to be emphasized that this FSR is coupled with a height limit of 12m. Moreover, several DAs have been lodged for this area over the last 18 months with FSRs not achieving 2.1:1 but viable nevertheless at a lower FSR. The DPI rezoned this pocket of land near Mowbray Road to R4 and formulated the FSR and height limit, which in practice do not appear to work well together. The height appears appropriate in the locality; however, the FSR has proved to be too high.

The proposed effective FSR is effectively not 1.25:1 but 2.18:1 over the developable portion of the site. Rose Group had formerly proposed an FSR of 1.1:1 to Council, and there is no basis for exceeding that, given that it equates to 1.89:1 over the developable area, greater than the adjoining industrial sites.

iv) Height

The report states “The proposed heights of building envelopes has had regard to the setting of the site, the location on a wide busy road, the consideration of key vistas/views to the site (along Epping Road approaching the site, from further west on Epping Road and from Magdala Park at the river flat).”

Figure 23 – “View looking east on approach to M2 tunnel (montage)” clearly shows that the tower building has had no regard to the setting of the site.

As noted by Tim Williams:

“Buildings such as the Nuss Building on the North side of Epping Road and the Orion Road Commercial building seem out of scale and unsympathetic to the landscape.” The scale of the proposed tower is substantially larger again than the two buildings deemed by Mr Williams as being out of scale and unsympathetic to the landscape.

Although both Urban Design reports regard the site as having some value in terminating vistas along Epping Road, no desire has been articulated for a large tower form.

The proposed height of the tower has had no regard to the setting of the site including the tree line, the conclusions drawn in the Urban Design reports or the visual impact of the tower from various view points.

2. State Environmental Planning Policy No. 65 – Summary Comments

Council's Urban Design Manager undertook a SEPP 65 analysis of the Concept Plan and the main issues are included below.

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Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The site is located on Epping Road, a major road which carries high traffic volumes, linking the Pacific Highway to the M2 Motorway which in turn links into the orbital route for Sydney.

The site is part of an industrial area characterized by low-medium rise industrial buildings at approximately the height of the treeline. The industrial area sits within a well vegetated locality with the Lane Cove River flanking its western side and the Lane Cove National Park nearby. Opposite the site, is a rock escarpment rising steeply up from the road.

There is no residential development in the site's immediate visual context.

The current character for the area is industrial development. The desired future character of the area is one of a thriving business park. Through a recent planning proposal, Council sought an increase to the FSR for the Lane Cove West industrial area from 1:1 to 1.5:1.

In terms of character, the area is not an area in transition and is considered to be stable.

In relation to the Rose site, Council did not initiate changes to the zoning with the Department of Planning, but responded to requests from Rose Group.

The Concept Plan including a 25 storey building is completely out of context with the locality. The maximum height of any other structures within the area is 12 storeys, with most buildings being below the treeline.

Clearly, the proposal does not fall within the desired future character of the area.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The buildings in the industrial area are typically located within a vegetated setting with heights approximating the treeline. There are two notable exceptions: the building at 18-20 Orion Road, which is 12 storeys, and the Nuss Building which sits above the rock escarpment on Mowbray Rd.

The proposed scale, equivalent to 25 storeys, presents a dominant, overbearing form in this precinct. The form as a "tower structure" presents a scale usually only found in major regional commercial/ residential centres, such as the Zenith Centre in Chatswood.

As stated above, the area is not undergoing transition and the desired future character is a vibrant business park.

The impact and the scale of the structure is exacerbated by its stand-alone siting on Epping Road where it dominates the bushland vista.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The built form, being a tower residential development, is not appropriate for its purpose on the subject site. This type of high density living is appropriate closer to facilities/ commercial centres and major transport nodes, for example St Leonards, where there is a trade-off between high accessibility and lower space/ amenity.

The proposal will provide a pleasant outlook for future residents to the Lane Cove River and surrounding bushland. However, the vistas to the site will be negatively impacted by on incongruous built form by way of the tower form. Viewlines from Ryde and Willoughby would be affected by a 25-storey building – it is important that those councils' responses be obtained. The character of both those LGAs in the vicinity of the site is predominantly low-medium density housing, the visual catchment including Lane Cove National Park opposite in Ryde

Internal amenity in the development may be achieved though by the communal areas and proposed landscaping.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

There no residential densities, as there are no residential developments, evident in the immediate vicinity. The desired future density in the area pertains to industrial development.

The regional context consists of the Metropolitan Strategy and its Draft Inner North Subregional Strategy, which identifies the land as employment land..

The existing allowable FSR for the site is 1.1:1 with an industrial planning proposal lodged with the Department of 1.5:1. The concept plan includes a proposal for 1.25:1 over the whole site (including the bushland to be protected) which actually equates to 2.18:1 over the developable "pan" section of the site. Council's consultant recommended only 1.1:1 for the site (or 1.89 over the developable portion) if the site were to be rezoned for mixed use development. This is the maximum Council endorses if the site were to be rezoned from industrial.

Infrastructure available for the site is likely to include water, power, sewer etc. However, there is not the typical community infrastructure of a high density centre (such as library, health services and child care centres). It is not indicated that the site will generate enough residents to typical of such facilities or that they will be included.

Although the site is located on a bus route, such a large development may be better placed in a centre, such as St Leonards, with bus and rail opportunities. This site is not located in a centre with a transport node.

The Concept Plan indicates some communal facilities but it is understood that these are only for the residents of the development and not for the broader community.

The environmental quality of the site includes potential bush, National Park and river views. However, it is significant that the development is on a major road in an industrial locality without strong links and easy access to the existing Lane Cove or other community.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

These issues should be addressed at the DA stage. Issues for consideration should also include underground water flows and the effect of the development on the sensitive bushland surrounding the development.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Concern is raised regarding the overshadowing of the landscaping and bushland by the proposed built form and long-term effect on that vegetation.

The solid, low rise structure proposed along the southern side of the site, with no gaps or relief in its lengthy form, may have a significant effect on the landscape character of the site (see concept plan drawing SK-76).

"Restoring the hill" is notional, as is "setting the development into a bushland setting", in view of the 25 storey building, the 130m-long parking podium and the loss of vegetation for the bushfire Asset Protection Zone. The vegetation indicated as screening the 11-storey building in the south-east area (e.g. Site Section A – SK-92) is stated elsewhere as being reduced for the APZ.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The location of the site on Epping Road, a major noise source, is likely to impinge upon the enjoyment of the site. Residential towers are built in areas with high noise levels; however it appears to be a trade off for high accessibility, for example, to transport nodes and commercial centres.

The height of the proposed towers is likely to provide high quality views to the surrounding area which include the Lane Cove River and the Lane Cove National Park.

The proposed retail space and landscaping will also add to on-site amenity.

Any development application would need to demonstrate cross flow ventilation, shared solar access, and visual and acoustic privacy.

Principle 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Safety and security will be potential issues on site as the isolated site does not benefit from being part of a broader residential community and the safety and security that this would bring.

Principle 9: Social dimensions and housing affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The design cannot respond to a social context as there is currently very limited social context in this location. Similarly, there is no local community. Accordingly, the design includes features solely for residents at this site.

The plans appear to include a retail space which is internalized. An active streetscape with retail facing out onto a street enlivens the street and provides some safety and security. The proposal should include active retailing streets to improve the social dimensions of the proposal.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Aesthetics such as texture and colour are likely to be detailed at the DA stage. As previously stated, the scale and massing of the Concept Plan does not relate to the streetscape or the desired future character of the area. The Lane Cove West industrial area is not in a state of transition.

The proposal does not echo the topography. The massing of one of the lower buildings is a significant built horizontal element which impacts upon the site visually. The tower bears no relation to the topography.

The concept plan indicates a gold building which may have high levels of reflectivity. The proposal is incongruous with the character of the area, which in Lane Cove is generally of one-five level industrial buildings nestled amidst a landscape setting, and on the Ryde side of the River is National Park or low-rise housing among vegetation. The twelve-storey 18-20 Orion Rd building is not a precedent, its height having been a bonus for reduction of its site area to construct Sam Johnson Way road access into the Industrial Area.

3. Transport, Traffic and Parking

The Traffic Manager has provided the following comments:-

- The proposed detailed study should assess the traffic movements of vehicles exiting the development and requiring to travel east. A Traffic Analysis has to be carried out considering the most appropriate turning location – of special importance is the impact these movements would have on the traffic signals and vehicle movements at the location of Epping/Mowbray Rds. Vehicles are likely to turn into Mowbray Rd and seek to turn right again into Centennial Ave to travel to east and south, but upgraded capacity there was not agreed to during Lane Cove Tunnel construction.. Note the RTA's advice in the application that traffic lights at the site would not be permitted due to its proximity to the lights at Epping/Mowbray Rds.
- The proposal requires a detailed traffic study which requires focusing on traffic access issues generally, especially vehicles entering the development from a main road and solutions regarding vehicular, pedestrian and cycling conflicts at the access location.
- Similarly for vehicular movements exiting the property detailed designs are required with focus to the sight distances for all road users (elevations, cross sections and sight line requirements).
- The proposal should address the management of the roads infrastructure within the developments boundaries as there will be a requirement for traffic calming, pedestrian devices, bicycle devices and other traffic device, such as roundabout and traffic islands for the safe movements of vehicles and pedestrians.

- A Traffic Access plan would be required to be provided including detailed transport alternatives such as bus and train.
- The parking provided should comply with off-street parking AS2890.1 and 2890.2 and on-street parking 2890.3. The parking should be contained within the developments and should not 'overspill' in the development's roadway. All the parking should be contained on-site (off-street). Some visitor on-street parking may be considered favourably. Bicycle parking and accessible parking should be provided for all areas of the development.
- The proposed pedestrian overhead bridge does not facilitate pedestrian movements for any "desire lines" to bus stops, schools etc and should be removed.
- The proposal should be referred to the RTA as the access is off a main state road, therefore the proposal has to comply with all RTA requirements.

4. Environmental Considerations

The Manager Open Space has provided the following comments:

The proposal is in accordance with the walking track easement to link Lane Cove River walks with Stringybark Creek walks. The route of the walking track through the part of the site proposed to be developed is indicated. The proposal includes a reference to a restrictive covenant and a Voluntary Planning Agreement. Details points i to iv below.

A summary of further comments include:

i. Landscaping

- Anomaly in plans where views through the site from Epping Road show an open view, but plans show a green wall along Epping Road;
- Concern is raised regarding the Epping Road Parkway Concept;
- Concern is raised regarding the proposed pedestrian footbridge across Epping Road which does not appear to lead to an established destination;
- Concern is raised regarding the greenbelt along Epping Road as it is a difficult site for this and there have been poor outcomes from previous landscaping (eg, loss of trees because of limited deep soil area, difficult access for maintenance along Epping Road) and this has resulted in poor outcomes.
- Street trees proposed along Epping Road not likely to thrive as they are not possible without deep soil preparation.
- 'Section bb' shows trees planted over underground car parking.
- Walking track through the site must be accessible to the public at all times.
- Lower gardens – concern is raised whether there is sufficient deep soil for substantial trees.
- Internal street deep soil planting – concerns is raised regarding the selection of plants, eg. Foxtail grass is known to self seed and is therefore not to be used on site.

ii. Flora and fauna

The flora and fauna report is appropriate.

Detailed vegetation management plans to be submitted with the application need to include details on treatment of APZ – combination of removal of groundcover and understorey shrubs and retention of vegetation. How far into the bushland on the east would the canopy trees be retained?

iii. Bushfire

The report identifies the surrounding slopes as all 0 – 5° downslope with a minimum APZ of 25m. There is a slope diagram in the plan labeled Riparian Zone and Terrain which shows a 30-50% slope on the south-east of the site. This slope is also shown on Site Section A.

The types of vegetation in APZs comprise no canopy overhanging, no deposit of excessive quantities of ground fuel in a shore period or in danger period. Bushfire needs to be addressed in detailed landscape and vegetation management plans.

iv. Heritage

It is noted that the authors of the Concept Plan report have not contacted the Northern Sydney Aboriginal Heritage Office for the most recent survey data.

v. Groundwater and Stormwater

Relevant sections of the Concept Plan were provided to Council's Acting Manager - Assets. He commented that broadly the proposal was adequate in issues addressed and detailed design elements would need to be considered when applications lodged.

vi. Environmental Health

Council's Manager - Environmental Health has made the following comments.

(a) Contamination

The proposal is in accordance with the standard protocols for investigations for contamination and the methods of additional investigation and reporting.

Due to the nature and scale of the development, it would be appropriate for the consent authority to require the submission of a site audit statement from an accredited site auditor as part of any approval that may be given.

(b) Human Health Risk Assessment

The application is supported by a very basic The Preliminary Hazard Analysis (PHA) fails to provide a detailed consequence and frequency analysis of the potential risks associated with the proposal and the context of the surrounding land uses. To satisfy the provisions of SEPP 33, a detailed PHA is to be submitted for assessment and review.

(c) Road Noise

Appropriate noise modelling has been undertaken. In principle the proposal will satisfy the acoustic standards for habitation as a result of the proposed construction methods that will be used. To satisfy that the building complies with these acoustic standards, a detailed acoustic report will be required as part of the application to the consent authority that addresses the method of construction and the internal noise levels of the residential (habitable) areas of the building.

(d) Waste Management

The concept plan needs to indicate waste management and the methods that will be used to service the apartments, in accordance with Council's Draft Waste Management Development Control Plan.

5. Social and Economic Considerations

A) Affordable Housing

The proposal includes 10% of dwellings as affordable housing.

The SEPP (Affordable Rental Housing) was amended on 20 May 2011. For a development to obtain affordable housing benefits under the SEPP, the development must include at least 20% of the gross floor area of the development as affordable housing (previous requirement was 10% of the number of dwellings). In addition a new criteria regarding character must be met:

16A Character of local area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The report has not addressed whether it meets the new requirements, such as 20% GFA and character considerations, under the recently amended Affordable Housing SEPP. In any case, the dwellings regarded as affordable housing under the SEPP would return to private stock after 10 years with no long term affordable housing benefits for the locality, however, the additional FSR bonus to the development would remain.

B) Employment Potential

The report states "The current employment potential of the site is not high, and there is limited scope for it to increase significantly under an industrial zoning."

To date, no intensive study has been undertaken, that Council is aware of, which considers the future use of the site for different types of industrial uses. High tech industrial uses for the site, for example, may well generate a significant number of jobs.

While it may be true that the site's current use is not a high employment generator, it does not follow that any industrial uses of the site will not generate significant employment levels. It is recommended that Council submit to the Department of Planning and Infrastructure that it does not endorse the rezoning unless an independent study is undertaken first of whether or not the site has potential as employment land.

Submission Summary

1. Director-General's Requirements

It is considered that the Department should review the above issues as indicating an inadequate fulfillment of the Director-General's requirements.

2. Submission Summary

1. The loss of employment lands has not been justified by a study, and would contradict the Department's long-standing policies in Metropolitan Plan 2036, Draft Inner North Subregional Strategy, Section 117 Directions and directives to Council.
2. An independent study should be undertaken of the site's potential for employment use prior to zoning being determined.
3. Council already exceeds its current residential target of 3,900 dwellings. The achievement of its future target, not yet announced, should be subject to community debate rather than pre-empted piecemeal by this site's rezoning.
4. If the Department does not endorse the above submissions but supports mixed use, the scale of mixed use development should be compatible with the precinct's character, as resolved by Council on the recommendations of independent consultancy, GMU, that is: FSR of 1.1:1 and height of 39 metres. This requires a significant redesign of the development proposal to accord with the twelve-storey proposal presented by Rose Group to Council in April 2010.
5. A range of additional urban design issues, including SEPP 65 analysis, should be addressed as detailed in this submission.
6. Traffic and access issues, relating in particular to the impact on the Epping Rd/ Mowbray Rd intersection, should be resolved to the satisfaction of the RTA, Department and Council before a proposal is accepted for either industrial or mixed use development.

Council seeks an outcome for this site compatible with the Department's Strategies, and with the scale and character not only of Lane Cove but also Ryde and Willoughby adjacent, and would not support a meretricious design for this entry to Lane Cove which did not serve a benefit to Lane Cove.

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