
14th August 2013

Major Project Assessment,
Department of Planning and Infrastructure,
GPO Box 39,
Sydney 2001

Application for modifications to the Planning Concept for 150 Epping Road, Lane Cove

RASAD – Residents and Shopkeepers for **Appropriate** Development – our name outlines our position.

This is an inappropriate development for this site. Having said that, we accept that a Planning Assessment Committee did give concept approval to a development on this site, with a number of conditions, which has subsequently been sold on to another developer who now wishes to change those accepted conditions of approval.

Those conditions contained in a Planning Agreement are binding on both the developer and the Council who will be the consent authority for any subsequent development consent. It is extremely important that any prescriptive controls be adequately checked against those prevailing for similar developments in the LGA, as Council will have no ability to impose stricter controls even though those agreed contravene LEP and DCP controls elsewhere in the LGA.

Our Group has a number of concerns regarding the points, as outlined in the circular from Lane Cove Council, and viewed on the Department's web site, that are the subject of this application for amendments to the Planning Agreement as set by the original PAC.

At a public meeting at Lane Cove Council on 13th August the developer stated that there had been changes to some of the amendments, so we are now confused as to exactly what is being proposed in some cases. We will continue to comment generally on the published information.

Firstly the area. The increase in residential area is some 3590 m² whilst the reduction in other areas is some 1690 m² – a net increase of 1900 m² or 6% of the GFA. This is excessive given the fact that the whole development will be built on approximately 60% of the total site area, increasing the bulk of the buildings, and is unacceptable. The original GFA should be maintained.

Secondly the changes in area.

The number of units is being increased by 3 but the area of residential is increased by nearly 3600 m² so one must conclude that there will be more multi bedroom units in lieu of single bedroom units. It is hard therefore to believe that there will be a decrease in the required number of car parking spaces. Parking for this development is extremely important as there is NO opportunity for any street parking within nearly 1 km of the site to take up any excess parking requirements for either residents or visitors. All parking must be provided on site, including employees, so that the decision on numbers of parking spaces now will be the only opportunity Council will have to dictate how many there must be.

The reduction in the retail space will disadvantage the residents and also some employees in nearby buildings who may use it for their lunch time or after work shopping rather than having to go to another established centre. This number of residents does need to be able to shop close to where they live so that this reduction should be carefully considered in the light of the lack of any retail in the local area.

Omitting the commercial and replacing it with a child minding facility is acceptable provided that the centre does comply with all requirements for such a facility including outdoor sunlit areas. The indicative plans shown at the Lane Cove Council meeting on 13th showed this facility below ground, adjacent to Epping Road (vehicle fumes) and basically facing SW with a multi storeyed building to the north. We cannot see this location being capable of complying with the criteria for such a centre.

The reduction in communal areas is also acceptable, again providing it is basically for the use of the residents only and not for general community use, in which case it should not be offset against s94 contributions as it is not a general public benefit. We cannot see how the general community would use any communal space here given the location and the difficulty of access and egress to the rest of the precinct and indeed Lane Cove in general.

We have always opposed the pedestrian bridge due to the lack of any verge space on the northern side of Epping Road to receive the bridge or provide a footpath for users once on that side of the street. The alternative location suggested by Council is acceptable with strict conditions on the construction to ensure that the bushland on both sides of Epping Road is protected. The original agreement included this bridge as a condition and did not say that it could be offset against the s94 contributions so that this should remain the case – it is part of the development and not a public benefit.

We oppose the deletion of the traffic study. Traffic movement into and away from the site will be difficult anyway and this large complex will add considerable traffic to an already overloaded road and intersection system. The inclusion of the child minding centre will mean more daytime traffic than may be the case of a purely residential complex, due to the need for frequent drop off and pick ups. The cumulative affects must be addressed (in a report at least) on the Epping Rd, Mowbray Rd, Centennial Ave intersections.

Similarly we oppose the deletion of the requirement to assist in the provision of a community bus. Access to Lane Cove, North Ryde or Macquarie Centre would otherwise require the use of cars, adding to the traffic problems on Epping and Mowbray Roads and adding to the traffic (and parking requirements) in and around the Lane Cove Village Centre. Consideration could be given to a shared route through the Mowbray precinct where a large increase in unit density has created a similar position regarding access to community and shopping facilities.

We vehemently oppose any condition that allows the provision of public benefit to be offset against s94 contributions, particularly in relation to the E2 area of the handle. Under Lane Cove LEP 2009 (CI 4.5 (4) (a)) if the land is zoned E2 this development is prohibited and therefore the land should not be able to be used as site area for FSR calculations on that land. The proponent has already been allowed to include this area in the total site area and has therefore gained an increase in GFA allowance of some 15,000 m² to be erected elsewhere on the site. This is a huge bonus for the development and therefore they should not be allowed to call this area an offset against s94 contributions. The area should be open to the public, preferably in Council ownership (free of charge) with the walking track and bushland maintained by the complex in perpetuity.

Similarly there must be a continuation of this walking track through the built up site to connect to the foreshore walking tracks adjacent to 160 Epping Road which lead around the Lane Cove river. This has always been an integral part of the approval for the development on the S C Johnson area which initially included the whole of this site.

This application is another example of the uncertainty that the planning system, present and future, engenders in the public's mind. A decision was made by the Consent Authority, accepted by the original applicant (and reluctantly by the community but accepted nevertheless), and now a new owner is trying to modify that decision for no apparent public benefit only a desire to increase his profit. The community has good reason to be critical of the ability for developers to be able to go down this route and gain benefits that do not reflect community expectations.

Any new conditions agreed for this site should show an improvement in public benefit and community well being and livability.

Doug Stuart, Convenor,
RASAD