

Preferred Project Report

150 Epping Road, Lane Cove

MP10_0148 MOD1

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1 Introduction

A modification application under Section 75W of the Environmental Planning and Assessment Act was lodged with the Department of Planning and Infrastructure (the Department) on 18 June 2013 to amend various aspects of the concept plan approved under MP08_0148. The Section 75W application (MOD1) was publicly exhibited from 17 July 2013 to 15 August 2013.

Following exhibition of the Application, the Department website hosted submissions received during the exhibition period, a copy of which is attached to **Annexure 1**.

On 6 September 2013, the Department forwarded a letter detailing the issues raised in its preliminary assessment of MOD1. A copy of the letter is at **Annexure 2**.

This Preferred Project Report has been prepared in accordance with Section 75 of the Environmental Planning and Assessment Act, 1979. The report addresses all relevant issues raised during the notification period and those raised by the Department in its preliminary assessment of the proposal.

This report:

- Summarises the changes to the design of the proposal;
- Outlines the issues raised in the submissions received during the notification period;
- Details the issues raised by the Department in its letter dated 6 September 2013;
- Identifies and describes the response to the submissions received and issues raised and details the proposed improvements to the project; and
- Provides a conclusion to the report.

Following an assessment of the submissions and attending a public meeting, the following changes are being made to the Concept Plan:

1. No change to building envelope heights.
2. Retain the existing Affordable Housing condition.
3. Undertake a design competition.
4. Retain the traffic impact assessment condition for Mowbray Road/Centennial Avenue intersection.
5. Prepare a Voluntary Agreement.
6. Dedicate the bushland handle to Council.
7. Monetary contribution to Council towards a community bus.
8. Delete the pedestrian bridge requirement.
9. Continue with a proposed childcare and small retail use for a convenience store.

2 Changes to the Proposal

This Preferred Project Report involves making changes to the documentation to directly respond to the issues raised in the submissions and the Department's letter.

2.1 Amended Proposal

The amended plans are at **Annexure 3**. The changes to the proposal and documentation are summarised below and are detailed elsewhere in this report:

- The total Gross Floor Area is no longer proposed to be increased, and will remain as approved. However, minor modification is proposed to the upper two levels of Building B to accommodate reallocated residential floor space within the approved total gross floor area, as shown in the comparison table below.

Floor Space Component	Approved	Proposed
Residential	31,615 sqm	33,310 sqm
Commercial	800 sqm	N/A
Retail	769 sqm	258 sqm
Childcare	N/A	650 sqm
Community	1,850 sqm	816 sqm
Totals	35,034 sqm	35,034 sqm

- The building heights are no longer proposed to be changed, and will remain as approved;
- The affordable housing condition is no longer proposed to be changed, and will remain as approved;
- The condition for a design competition is no longer proposed to be changed, and will remain as approved;
- The condition for compliance with SEPP 65 is no longer proposed to be changed, and will remain as approved;
- The condition for the traffic impact analysis on the Mowbray Road and Centennial Avenue intersections is no longer proposed to be changed, and will remain as approved;
- The condition for a VPA is no longer proposed to be deleted, and will remain as approved;
- It is proposed to dedicate the bushland handle, to the east of the site, free of cost to Lane Cove Council;
- It is proposed to provide Lane Cove Council with funds for the provision of a community bus.

Annexure 6 contains proposed amended conditions to address the above.

2.2 Amended Statement of Commitments

The changes to the proposal include amendments to the Statement of Commitments, which are included at **Annexure 4**. Relevant references to the amended Statement of Commitments are explained elsewhere in this report.

3 Public Submissions

MOD1 was publicly exhibited from 17 July 2013 to 15 August 2013. Submissions were received by Lane Cove Council, Transport for NSW, Sydney Water, NSW Rural Fire Service, NSW Roads and Maritime Services (RMS), NSW Department of Primary Industries, and seven public submissions (from landowners and resident action groups).

This section:

- Identifies the issues raised in the submissions; and
- Provides a response to each of the issues raised.

3.1 Agency Submissions Received

3.1.1 Lane Cove Council

A copy of Lane Cove Council's submission is at **Annexure 1**. Following is a summary of the issues raised by Lane Cove Council in respect of the application:

- The dedication to Council of the bush handle, with links onsite to be retained to the surrounding walking paths network;
- Affordable housing to be dedicated to Council in perpetuity, though at the reduced rate of 4% if necessary;
- Provision of a pedestrian bridge over Epping Road and of a community bus;
- No discounting of the general Section 94 rate;
- Compliance with SEPP 65; and
- A traffic study being undertaken to include the Mowbray Road and Centennial Avenue intersections.

3.1.2 Transport for NSW

A copy of the submission from Transport for NSW is at **Annexure 1**. Transport for NSW raises no issues in relation to the proposal.

3.1.3 Sydney Water

A copy of Sydney Water's submission is at **Annexure 1**. In summary, Sydney Water raises the following issues:

- Upgrading of the drinking water main required;
- Conditions relating to wastewater, trade waste information and Sydney Water servicing, all of which would be addressed as part of a future Development Application to Council.

3.1.4 NSW Rural Fire Service

A copy of NSW Rural Fire Service submission is at **Annexure 1**. In summary, NSW Rural Fire Service raises no objection to the proposal subject to compliance with relevant standards and requirements in relation to the childcare centre.

3.1.5 NSW Roads and Maritime Services

A copy of the submission from RMS is at **Annexure 1**. In summary, RMS raises the following issues:

- The access point immediately adjacent to Building E is to be an exit only (not an entry/exit);
- The access point at the western end of the site is to be used for emergency vehicles only (not for emergency vehicles and service vehicles); and
- The access point at the western end of the site is to be referred to as an emergency access point (not secondary road) and placement of a concrete median/bollards is to be placed opposite that access point.

3.1.6 NSW Department of Primary Industries

A copy of the submission from NSW Department of Primary Industries is at **Annexure 1**. In summary, NSW Department of Primary Industries does not support amended condition 16 (submission of a Vegetation Management Plan prior to final occupation).

3.2 Public Submission Received

3.2.1 Stringy Bark Creek Residents' Association

A copy of the submission from Stringy Bark Creek Residents' Association is at **Annexure 1**. In summary, Stringy Bark Creek Residents' Association raises the following issues:

- Concern about increase in FSR and reduction in basement parking;
- Support the changes to affordable housing from 10% to 4% provided the houses are handed over to Council in perpetuity;
- Concern that the proposed 258 sqm retail is inadequate to serve the proposed residential population on site;
- Have indicated a preference for traffic lights with a pedestrian crossing rather than a pedestrian bridge that has problems associated with landing points and the like;
- Welcome a childcare centre provided that appropriate conditions be put in place that address solar access, air pollution and vehicular access to the facility;
- Does not support the reduction of community floor space or the deletion of the community bus service;
- Does not support the removal of the condition that requires a traffic analysis of the cumulative impact of the proposed development on the intersection at Mowbray Road/Centennial Avenue;
- Does not support the removal of the VPA requirement in the consent;
- Supports the dedication of the bushland handle to Council free of cost;
- Supports funding for upgrading the track and provision for bush regeneration to a good standard in the area of the handle without Section 94 offsets.

3.2.2 SC Johnson & Son

A copy of the submission from SC Johnson & Son is at **Annexure 1**. In summary, SC Johnson & Son raises the following issues:

- Does not support the use of the secondary exit for resident vehicles;
- Does not support a residential development on the site due to potential for unauthorised access; and
- Believes that the development will threaten the environmental protection of the company's reserve.

3.2.3 Lane Cove Bushland & Conservation Society Inc

A copy of the submission from Lane Cove Bushland & Conservation Society Inc is at **Annexure 1**. In summary, Lane Cove Bushland & Conservation Society Inc raises the following issues:

- Does not support the 'watering down' of the SEPP 65 requirements;
- Does not support the off-setting of Section 94 contributions;
- Any future upsize and/or relocation of existing waste water mains should include remediation under Council supervision of any affected bushland; and
- Public access should be achievable through the site to connect to the pathway through the bushland handle.

3.2.4 Lane Cove Council's Bushland Management Advisory Committee

A copy of the submission from Lane Cove Council's Bushland Management Advisory Committee is at **Annexure 1**. In summary, Lane Cove Council's Bushland Management Advisory Committee raises the following issues:

- The transfer of the bushland handle should not be offset against Section 94 contributions;
- The access track through the bushland handle should be subject to improvement and the vegetation improved; and
- Have indicated a preference for traffic lights with a pedestrian crossing rather than a pedestrian bridge that has environmental problems associated with landing points and the like.

3.2.5 Residents and Shopkeepers for Appropriate Development

A copy of the submission from Residents and Shopkeepers for Appropriate Development is at **Annexure 1**. In summary, Residents and Shopkeepers for Appropriate Development raises the following issues:

- Concern about increase in FSR;
- Concerns about adequate parking on site;
- Concern that the proposed 258 sqm retail is inadequate to serve the proposed residential population on site;
- Welcome a childcare centre provided that appropriate conditions be put in place that address amenity;
- Do not support the provision of a pedestrian bridge;

- Does not support the removal of the condition that requires a traffic analysis of the cumulative impact of the proposed development on the intersection at Mowbray Road/Centennial Avenue;
- Does not support the deletion of the community bus service;
- Does not support the off-setting of Section 94 contributions; and
- Public access should be achievable through the site to connect to the pathway through the bushland handle

3.2.6 Issues Raised in Resident Submissions

A total of 2 resident submissions were received copies of which are at **Annexure 1**. Collectively, the issues raised are as follows:

- Concerns about air quality effects on the child care centre from the exhaust stacks of the Lane Cove tunnel and Epping Road;
- Concern about no ability to exit the site by turning right (towards the City).

4 Response to Submissions

The following provides a categorised response to the issues raised by the submissions outlined above.

4.1.1 Vehicular and Pedestrian Access

The following issues have been raised in relation to vehicular and pedestrian access:

- Pedestrian links onsite to surrounding walking paths network;
- Bridge / traffic lights for pedestrian access over Epping Rd;
- Traffic study for the Mowbray Road and Centennial Avenue intersections;
- Vehicular ingress and egress arrangements; and
- Resident access to SC Johnson & Son land.

The public access rights through the subject site to the bushland handle will be provided in a future Development Application, as required by Condition 23 of Schedule 3 of the MP approval.

The removal of the pedestrian bridge is retained in the proposal, as it duplicates existing infrastructure without any certainty on final ownership and ongoing maintenance. A more detailed response to this issue is contained at Section 5.1.3 of this report. There is also no proposal to install traffic lights on Epping Road for the purposes of a crossing. The site is within reasonable access distance to existing crossing over Epping Road. This is also discussed further in Section 5.1.3 of this report.

The requirement for the traffic impact analysis on the Mowbray Road and Centennial Avenue intersections is no longer proposed to be changed, and will remain as approved.

The vehicle entry/exit arrangements outlined in the RMS submission have been incorporated into the proposal and the amended plans labelled accordingly.

SC Johnson & Son expresses concern about unauthorised access of future residents onto its land. This is trespassing and future residents will be made aware of this through a future Body Corporate.

4.1.2 Section 94, VPA and Affordable Housing

The following issues have been raised in relation to Section 94, VPA and affordable housing:

- Affordable housing; and
- VPA and off-setting Section 94 Contributions.

The affordable housing condition is no longer proposed to be changed, and will remain as approved.

The condition for a VPA is no longer proposed to be deleted, and will remain as approved.

It is proposed to include appropriate Section 94 contributions off-sets in accordance with a future VPA for the site. This will form future discussions with Council.

4.1.3 Childcare and Retail

The following issues have been raised in relation to childcare and retail:

- Childcare centre standards and requirements and amenity impacts; and
- Adequacy of proposed 258 sqm retail.

The future Development Application will be accompanied by an air quality assessment report that examines all potential impacts on the childcare centre and will make any mitigation recommendations. The childcare centre will comply with the relevant design regulations.

The proposed retail shop is appropriate in size to serve the needs of the future residential population on the site. The shop will not serve the needs of any residents outside the site. The issue of the appropriateness of the retail area is further discussed at Section 5.1.4 of this report.

4.1.4 Community Space and Bus Service

The following issues have been raised in relation to community space and bus service:

- Reduced community floor space and the deletion of the community bus service.

The proposal seeks to retain 816 sqm for community use. The community space is not intended for use by the broader community and was always intended to be a space for use by the future residents only. The community space will offer a range of possible uses and functions that will be detailed in a future development application.

It is proposed to provide Lane Cove Council with funds towards the provision of a community bus. Details will be included in the VPA for the site. This will provide Council with an asset that it can use and manage as part of a broader community transport network/operation.

4.1.5 GFA, Car Parking and SEPP 65

The following issues have been raised in relation to GFA, car parking and SEPP 65:

- SEPP 65; and
- FSR and basement parking.

The condition for compliance with SEPP 65 is no longer proposed to be changed, and will remain as approved. The same applies to the total FSR of the development.

In respect of parking, the proposed residential parking provision complies with the RTA's "Guide to Traffic Generating Developments". This is confirmed in the traffic report submitted with the MOD1 application. These RTA rates are for high density residential apartments with good access to public transport. Given that a bus service runs directly along Epping Road in front of the site, the rates are relevant in this instance.

Further, it is noted that although the Council's DCP parking rates are minimums, the stated objective to provision of parking in the DCP is to *"reduce on-site car parking in proximity to public transport to facilitate use of public and alternative transport modes including walking and cycling"*. Given the proximity of bus services and the walking track network in the vicinity of the site, the proposed use of the RTA rates are considered appropriate.

4.1.6 Bushland

The following issues have been raised in relation to bushland:

- Dedication to Council of the bush handle;
- Vegetation Management Plan timing; and
- Public access through the site to bushland handle.

The bushland handle will be dedicated to Lane Cove Council. This will be detailed in the future VPA.

It is proposed to amend the timing of the submission of a Vegetation Management Plan from *'prior to a final occupation certificate'* to *'prior to any occupation certificate'*. This will ensure that the plan is in place before any occupants are on site.

The public access rights through the subject site to the bushland handle will be provided in a future Development Application, as required by Condition 23 of Schedule 3 of the MP approval.

4.1.7 Services

The following concerns have been raised in relation to services:

- Upgrading of the drinking water main; and
- Remediation associated with any water main upgrade.

The future Development Application will be referred to Sydney Water during the assessment process. Sydney Water will be able to accurately assess any need for water mains upgrades at that time.

5 Response to Department of Planning and Infrastructure comments

On 6 September 2013, the Department forwarded a letter detailing the issues raised in its preliminary assessment of MOD1. A copy of the Department's letter is at **Annexure 2**.

The following provides a response to each of the issues raised in the Department's correspondence.

5.1 Key Issues

5.1.1 Building design

The Department states as follows:

The Department considers it is important to achieve a high standard of design excellence for the site. The proposed modification of Future Environmental Assessment Requirements (FAR) 1(a) and (c) would compromise the design and visual qualities of the approved scheme and are not supported.

An architectural design competition is necessary for the site because it involves a number of unique challenges that would benefit from the innovation that arises from a design competition. Compliance with State Environmental Planning Policy No. 65 is warranted particularly given the proposed residential levels on lower south facing floors.

The proposed increase in height of the lower buildings will reduce the success of the approved scheme, which was reliant on the contrast between the highest (slender) tower close to Epping Road and the lower scale buildings at the rear of the site. The Department considers this contrast would be lost with further reductions in the comparative height between those buildings.

The Department has previously provided you with clear guidance as to the procedure and benefits of a design competition for the site, and notes you are experienced in holding design competitions for developments in other local government areas. Therefore, the Department considers there is no substantive justification in amending FAR 1(a) and (c), or Term of Approval A2 in respect of height.

The condition for a design competition is no longer proposed to be changed. Further, the condition for compliance with SEPP 65 is no longer proposed to be changed. These conditions will remain as approved in the concept plan approval.

5.1.2 Density

The Department states as follows:

The Concept Approval provided the potential for significant uplift and development commensurate with the capacity of the site. The Department considers that additional justification should be provided for the proposed increase in density.

The total Gross Floor Area is no longer proposed to be increased, and will remain as approved. However, it is proposed to reallocate residential floor space within the approved total gross floor area, as detailed in Section 2.1 of this report. The reallocation arises from the changes to the commercial, community and retail floor space components. The proposed reallocation of gross floor area should be regarded as acceptable given that the total remains within the figure of 35,034 sqm as approved in the concept plan. Further justification of the floor space reallocation is under 5.1.4, below.

5.1.3 Traffic impact

The Department states as follows:

The issues covered in FAR 9 were a key consideration in the assessment of the original project. The Department considers that insufficient justification has been provided for the proposed deletion of FAR 9.

The Department considers that additional justification is also required for the proposed deletion of the commitment to provide a pedestrian bridge over Epping Road (Statement of Commitment BB). This should include analysis of alternatives for the provision of safe, pedestrian access to and from the site and Epping Road.

The condition for the traffic impact analysis on the Mowbray Road and Centennial Avenue intersections is no longer proposed to be changed, and will remain as approved.

Pedestrian Bridge

The pedestrian bridge has been thoroughly investigated and must be deleted based on reasonableness, nexus, urban planning, environmental impact, equitable access and commercial viability.

The pedestrian bridge was proposed as a statement of commitment, with no agreements in place regarding the costs, who will pay, ownership and maintenance. The bridge has been raised as a concern by Stringy Bark Creek Residents' Association, Lane Cove Council's Bushland Management Advisory Committee and the Residents and Shopkeepers for Appropriate Development.

There has been no consideration given to the environmental and access impacts of the bridge. The opposite side of Epping Road is defined by a sandstone escarpment of several metres in height, immediately adjoining the carriageway of Epping Road, high quality remnant natural bushland above (see **Figure 1**).



Figure 1: Escarpment and bushland opposite the site on Epping Road

Construction of the bridge would require significant rock excavation and native vegetation clearing. No environmental or economic cost / benefit analysis has been made to justify the structure. If the bridge were to have any meaningful connection it would be necessary to construct significant lengths of pathway that would have detrimental impacts on the remnant bushland from construction, stormwater erosion, cut and fill.

As shown on **Figure 2** below, the pedestrian bridge would be located at the back of a business park with no direct connection to nearby residents. Pathways would have to extend some 100m in an easterly and westerly direction to connect a public road. The costs associated with these pedestrian connections along with the bridge and provision of a lift for disabled access is in excess of \$6M.

The bridge in its current location with the required pedestrian paths to the northern side of Epping Road is not the sole use of future residents of the proposed development. Given the pedestrian connections required, the bridge will for most part be used by existing residents to access public transport to the city. In this regard, the cost of constructing the bridge would require a significant financial contribution from the Council given the predominant use by existing residents and workers along Mowbray Road and beyond.

A pedestrian bridge over Epping Road in the vicinity of Cumberland Avenue (as sought by Council) provides access between the Mowbray Road precinct and west bound buses on Epping Road, such benefit has no nexus to the project and would merely duplicate the function provided by the existing pedestrian bridge at Sam Johnson Way.

In terms of the accessibility from the site, there already is access via a recently constructed pedestrian/cycle way along the southern side of Epping Road that provides easy pedestrian access to the signalised crossing of Epping Road at its intersection with Mowbray Road and the adjacent bus stops in both directions, which are within 320 metres of the site. This provides an easy walk along a well graded and constructed path.



Figure 2: Aerial Photograph Indicating routes to existing bus stops

The DPI assessment report to the PAC includes the following endorsement of the accessibility of the site:

“...within the metropolitan context the site has good access to Lane Cove Town Centre and is well serviced by public transport due to its proximity to a strategic bus corridor along Epping Road”.

While the DPI assessment makes reference to the Statement of Commitment to provide the pedestrian bridge, the DPI makes no reference to the good access of the site to public transport being dependent upon the pedestrian bridge. The determination report of the Planning Assessment Commission (PAC) makes no reference to the pedestrian bridge at all.

Following exhibition of this modification application, Lane Cove Council made the following objection to deletion of the approved pedestrian bridge:

“Council submits that the pedestrian bridge should be provided at no cost to Council in a location to be discussed with Council (preferably adjacent to the Cumberland St (sic) bus stop). The location in the Concept Plan approval was not signed off by Council and is not in an appropriate location to promote easy use of public transport. This was strongly supported by almost all comments at the Community Session, on the grounds of pedestrian safety and promotion of public transport use. It is important that the bridge’s location avoid impact on the escarpment and its significant vegetation. It should be accessible.

The nearest existing eastbound bus stops are 350+ metres to Mowbray Road or 550+ metres to Sam Johnson Way. For a development of this size the developer should provide both the footbridge and a new eastbound bus stop and shelter adjacent to the site on Epping Road.

The pedestrian bridge would serve an important role for employees from the Lane Cove West and Mowbray Road industrial areas, the recently upzoned Mowbray precinct and the Willoughby side north of Mowbray Road. This relates not only to public transport but also for

the public walking network between the river and the bushland south and north of Epping Road”.

From this submission it is clear that Council agrees that the approved bridge location adjacent to the site is not appropriate in terms of access to public transport or impact upon the escarpment and vegetation.

Council's preferred location adjacent to Cumberland Avenue would provide no material improvement to access between existing bus stops and the site, relative to the existing at grade route between the site and bus stops at the intersection of Mowbray Road. However, it is implicit in Council's comments that their objective is not to improve the public transport accessibility of the site, but to improve connectivity between various surrounding precincts, including *“the Lane Cove West and Mowbray Road industrial areas, the recently upzoned Mowbray precinct and the Willoughby side north of Mowbray Road. ... also for the public walking network between the river and the bushland south and north of Epping Road”*. While such improvements to local connectivity are clearly desirable, they have no nexus to the approved development, and the bridge was not proposed for these purposes.

The alternative location proposed by Council would be ineffective for the principle intended function of improving access from the site to public transport and would not satisfy any material demand generated by the project. While the alternate location would provide benefits to unrelated properties, it would be unreasonable to require the project to fund works that provide only a marginal benefit to the project, unless the total cost of the works are fully offset against Section 94 contributions.

5.1.4 Land use mix

The Department has requested further justification for the reduction in retail / commercial floor space in the concept plan. In this regard the following justification is made.

The original Concept Plan submission proposed 2,750m² of commercial office space, which was subsequently reduced to 800m² in the PPR. A review of the proponent's documents and the DPI assessment report suggest that the commercial office component was included principally to offset the loss of employment theoretically arising from the loss of industrially zoned land. In this regard the DPI report states:

“Based on a generally accepted job rate of 1/32m² for retail and 1/50m² for commercial floor space the proposed development will generate about 40 jobs on the site. This represents an increase and wider choice of employment opportunities compared to the existing situation. The Department does not consider there will be any adverse impact in terms of loss of employment land. In any event the site's steep topography and irregular shape is not well suited to industrial purposes. The large format industrial uses typical of other sites in the Lane Cove West Industrial Area generally occupy a greater footprint due to requirements for loading/unloading and truck access. The proponent also concurs with the proponent's view that the site is physically separated from the balance of the industrial area due to topography”.

The Department's assessment was based on the site being unsuitable for large scale industrial uses, and a theoretical generation of 40 jobs.

No examination was made on the financial viability of the commercial and retail use. In this regard the site is isolated from any commercial or retail centre for exposure to concentrated economic activity. Large commercial and retail uses require continued passing pedestrian traffic, superior visibility, kerbside car parking and other complementary land uses. The subject site has none of these attributes, and from our experience will only result in vacant premises, which would

become an inactive area. Rather, the proposal before the Department is to activate the site with a small retail use that will be leased by a convenience store for future residents, with the remainder of the commercial area being used as a childcare centre which is in strong demand.

For a total estimated 400 dwellings and approximately 800 people, with minimal exposure to passing trade, the highest order retail that can be expected to be feasible on the site is a small convenience store providing for immediate daily retail needs (e.g. bread and milk) and/or a small café. While such uses are proposed and will provide a positive amenity for residents, and possibly the employees of surrounding businesses, they cannot be expected to occupy more than a small proportion of the 742m² of approved retail space.

The typical size of a Caltex/BP type convenience store is 200-250 sqm. This is with a petrol forecourt. A typical inner city CBD convenience store is probably around 50 to 80sqm. Both rely on significant exposure to either passing traffic or pedestrian footfall. This site does not have either passing traffic or pedestrian footfall. Therefore, the proposed reduction of this space to 258m² will be more than sufficient to cater to the needs of any conceivably feasible retail functions on the site.

Importantly, Lane Cove Council has raised no objection to the reduction in retail space or converting commercial space to a childcare centre.

5.1.5 Affordable housing

The Department states as follows:

The Department considers that the proposed modification to reduce the proportion of affordable housing is contrary to the relevant aims, objectives and actions of the Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney to 2031 and the draft Inner North Subregional Strategy. Maximisation of the provision of on-site affordable housing was a key consideration in the assessment of the original project and an important community benefit given the significant uplift in development approved on the site.

The affordable housing condition is no longer proposed to be changed, and will remain as approved.

5.1.6 Other

The Department states as follows:

- (i) Clarify the proposed proximity of Building B to the Asset Protection Zone inner boundary.*
- (ii) Please provide the landscape master plan which has been omitted from Drawing A102 Plan at RL 30.50 supplied with the application.*

It is understood, after discussions with the Department, that Building B was a typographical error. It has been clarified that Building D was the intended reference. The submitted plans at **Annexure 3** include an annotation on Drawing A106 to show that the area that appears to encroach on the APZ is only private garden which is un-built open space for the private use of the adjacent apartments. Such space is allowable within the APZ.

Drawing A102 now includes the imported landscape masterplan.

6 Conclusion

The majority of issues raised have been addressed by reverting back and accepting the conditions of the concept approval.

Justification for removal of the bridge and reduction in retail and commercial floor space is reasonable on urban planning grounds, and just as important the commercial viability of the project and survival of future uses.

Issues raised by the Department of Planning and Infrastructure and arising from the notification period of MOD1 have been adequately addressed in this Preferred Project Report. The Statement of Commitments has been amended in this report. The proposed development is considered to address all relevant issues raised and is worthy of approval.

Annexure 1: Copies of Submissions Received

Annexure 2: Department of Planning and Infrastructure Comments

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