

3982/13

E-mail Message

From: Orion [SMTP:orionofdoom@gmail.com]
To: lccouncil [EX:/O=LCMC EXCHANGE 2007
 ORGANISATION/OU=EXCHANGE ADMINISTRATIVE GROUP
 (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Lccouncil]
Cc:
Sent: 7/08/2013 at 1:57 AM
Received: 7/08/2013 at 1:57 AM
Subject: Re: Information Meeting: 150 Epping Road (former Shell Service Station)

To the Council

I am unable to attend such meetings due to a night work schedule. But I would like to register my concern at the reduction in the level of public housing, public housing is essential now more than ever. I read only today in the papers that homelessness has risen since 2006, furthermore I am concerned about the Lane Cove area becoming isolated from the larger community as it becomes a richer area, it is my belief that where one lives should not make obvious their economic status, suburbs should not become stratified on income. Please restore the full 10% public requirement.

In addition the deletion of requirements for a pedestrian overpass, a community bus and the Mowbray/Centennial Intersection works seem to me to be harmful and shortsighted. I oppose these changes in no uncertain terms. A pedestrian overpass is undoubtedly needed for this location in order for residents to have easy access to the 288 and other buses to the city, it is likely rushed residents will attempt an incredibly dangerous crossing of Epping road to catch their buses resulting either in an accident or the council having to construct this overpass anyway. It is better that it is done now.

The community bus seems an excellent measure to handle the inevitable early problems with accommodating an influx of new residents on local transport systems.

And a study of the impacts of traffic and if necessary an upgrade to the intersection seems like a prudent and fair measure, I can see no reason why it should not go forward.

If the property developers can not bear the costs of these essentials then the project should not go forward at all as it is then economically unviable, they cannot become profitable by shifting costs onto the community or council services.

I liked it better as the "Space Station" Servo and McDonalds anyway, it was the only place to get a meal after a midnight shift.

Regards

Mitchell John Garside
 42 Kullah Parade, Lane Cove

On 6 August 2013 16:05, Lane Cove Council wrote:

<https://promo-manager.server-secure.com/download/files/03894/89286/Council%20BANNER.jpg>

Information Meeting: 150 Epping Road (former Shell Service Station)

The 150 Epping Road site (previously known as the Shell Service Station site) was the subject of a Part 3A planning proposal to develop the land for mixed use purposes that included residential towers and commercial office space.

The Part 3A proposal was considered and determined by a Planning Advisory Committee (PAC) appointed by the Minister for Planning in August 2012. The PAC approved a Planning Concept Plan that overrides local controls and sets a range

39211/13

E-mail Message

From: David Harper [SMTP: dharp@westpac.com.au]
To: [lccouncil \[EX:/O=LCMC EXCHANGE 2007 ORGANISATION/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=Lccouncil\]](#)
Cc:
Sent: 8/08/2013 at 11:12 AM
Received: 8/08/2013 at 11:12 AM
Subject: Fw: Information Meeting: 150 Epping Road (former Shell Service Station)

Please pass this onto the Mayor of LCC

Thanks Mayor for allowing such hideous highrise in a suburban area. Completely out of character and out of line.

All for money no doubt.

Disgracful

Not 1 person in Lane Cove would have approved this

Who do you think you are allowing such revolting projects????

D Harper

Information Meeting: 150 Epping Road (former Shell Service Station)

The 150 Epping Road site (previously known as the Shell Service Station site) was the subject of a Part 3A planning proposal to develop the land for mixed use purposes that included residential towers and commercial office space.

The Part 3A proposal was considered and determined by a Planning Advisory Committee (PAC) appointed by the Minister for Planning in August 2012. The PAC approved a 'Planning Concept Plan' that overrides local controls and sets a range of provisions and standards that must be part of any subsequent Development Application.

An HYPERLINK "<https://promo-manager.server-secure.com/ch/3894/rvjtyk/607046/12c13qkp3.html>" \napplication to modify the approved 'Planning Concept Plan' has been lodged with the Department of Planning that includes:

- Construction of approximately 403 residential apartments in lieu of 400, with an increase in residential floor space from 31,615 to 35,203sqm;
- A basement car park for approximately 596 spaces in lieu of 645 spaces;
- 4% "affordable housing? apartments, in lieu of 10%;
- 258sqm of retail floor space, in lieu of 769sqm;
- Deletion of 800sqm of commercial floor space and replacement with a 650sqm childcare centre;
- Provision of 816sqm of communal floor space, in lieu of 1,850sqm;
- Deletion of the requirement for an overhead Pedestrian Bridge over Epping Road;
- Deletion of the requirement to provide a Community Bus as a Sustainability measure;
- Deletion of the requirement for a traffic analysis of the cumulative impact of the proposed development on the intersection at Mowbray Road/Centennial Avenue, and the requirement to make a proportionate monetary contribution to fund the upgrade of the intersection;
- Deletion of the Planning Agreement (VPA) with Lane Cove Council, in the terms outlined in a letter to Council dated 9th March 2011 and replacement with a

condition that any public benefit be offset against s94 Developer contributions;
 - Deletion of the requirement to dedicate the E2 Zoned Handle of the site (1.35ha) free of cost as outlined in the draft VPA; and
 - Provide that if Council prefers not to own the E2 Zoned Handle of the site, a covenant shall be placed on title to allow public access, although infrastructure works to be used by the public and ongoing costs will be sought to be offset against Section 94 obligations.

The proposed amendments to the Planning Concept Plan are currently on exhibition through the Department of Planning and will be assessed and determined by another State-appointed PAC.

Council and the community may make a submission to the PAC to assist their assessment of the proposed amendments to the original Planning Concept Plan approval.

Council will be conducting an information meeting on Tuesday 13 August, 2013, commencing at 6.30pm in the Council Chambers, Lower Level, 48 Longueville Road Lane Cove. The applicant will be attendance to detail and explain the proposed amendments to the original Concept Plan.

If you would like to attend, please HYPERLINK "<https://promo-manager.server-secure.com/ch/3894/rvjtyk/607047/12c13nb3b.html>" \nRSVP online.

For further information contact Council's staff member Chris Peltz on 02 99113516.

This email was sent by Lane Cove Council, Lane Cove Council, 48 Longueville Road, Lane Cove NSW 2066, Australia to HYPERLINK "<mailto:mariurgel@yahoo.es>"mariurgel@yahoo.es

HYPERLINK "<https://promo-manager.server-secure.com/forms/u/f910cbf/3894/664739840.html>" \nUnsubscribe

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41495/13

Attention: Planner

NSW Planning & Infrastructure
information@planning.nsw.gov.au

Dr. Ray Kearney
24 Alder Avenue
Lane Cove West, 2066
Phone: (02) 94285336 (h)
ray.kearney@sydney.edu.au

14th August, 2013

Head Office

23-33 Bridge Street, Sydney NSW 2000
GPO Box 39, Sydney NSW 2001
Tel: 02 9228 6111
Fax: 02 9228 6455
Email: information@planning.nsw.gov.au

RE: Modification No. 1 to MP10_0148 Mixed use redevelopment of 150 Epping Road, Lane Cove West

The application by the proponents proposes to modify the approved development to include:

1. A new child-care centre for approximately 85 children.
2. Deletion of 800sqm of commercial floor space and replacement with a 650sqm child-care centre.

My submission is to again draw attention to the fact that this development-complex is approximately 250 metres from the *unfiltered* Western Stack of the Lane Cove Traffic Tunnel and measures MUST be adopted to protect children in the proposed child-care centre from the adverse health impacts of highly toxic and proven carcinogenic exhausts from the Western Stack coupled with similar pollutants from the busy Epping Road.

Summary comments:

(a) This submission will NOT repeat the details provided in the attached Submission of Objection which was lodged in August, 2011. Furthermore, the Planning Reviewer is reminded that a Federal Senate Committee is about to release its inquiry into '*The Health Effects of Air Pollution in Australia*'. See link:
http://www.aph.gov.au/parliamentary_business/committees/senate_committees?url=clac_cltc/air_quality/index.htm

Noteworthy are some 162 submissions (and transcripts from interviews) including those from the various government/medical/research organizations whose submissions (with reference numbers) are for example:

4. Doctors for the Environment Australia Inc. (PDF 981KB)
27. Environment Victoria (PDF 132KB)
29. Centre for Air quality and health Research and evaluation (CAR) (PDF 435KB)
35. Residents Against Polluting Stacks Inc (PDF 357KB)
48. CSIRO (PDF 439KB)

- 50. Asthma Foundation NSW ([PDF 365KB](#))
- 53. International Laboratory for Air Quality and Health (ILAQH), Queensland University of Technology ([PDF 130KB](#))
- 80. NSW Environment Protection Authority ([PDF 2146KB](#))
Supplementary Submission([PDF 123KB](#))
- 86. Dr. Raymond Kearney ([PDF 1291KB](#))
- 114. Australian Medical Association ([PDF 254KB](#))
- 162. Standards Australia ([PDF 1411KB](#))

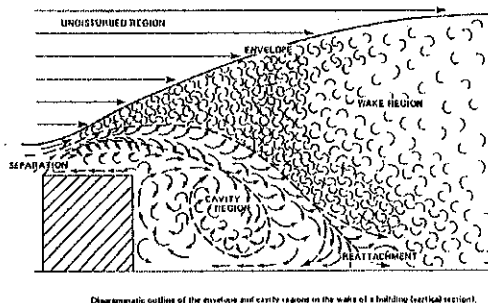
What is evident in these submissions is the current standards for air quality DO NOT relate to health impacts or to health risk. The report of the Senate Committee is about to be released and was due on the 12th August, 2013.

(b) Also noteworthy is that In June, 2012, the WHO declared **diesel fumes** to be a **Level-1 Human Carcinogen** i.e. proven evidence of carcinogenicity in human beings.
http://www.iarc.fr/en/mediacentre/pr/2012/pdfs/pr213_E.pdf

(c) You are reminded that NSW Planning by its '*Minister's Conditions of Approval*' gave authority for the annual discharge of pollution from both unfiltered stacks of the Lane Cove Tunnel being:

PM10 particles (excludes fine and ultrafine toxic particles).....	14 TONNES
Highly toxic Volatile Organic Chemicals (VOC's) e.g., benzene.....	154 TONNES

(d) Effect of 'downwash' on plume from exhaust stack by buildings in the development complex.



For site proposal of child-care centre see p5 of following link:

https://majorprojects.affinitylive.com/public/86f07b6dc575998412e7c12fd9fac04b/20130529taa_r1_child%20care%20acoustic%20assessment.pdf

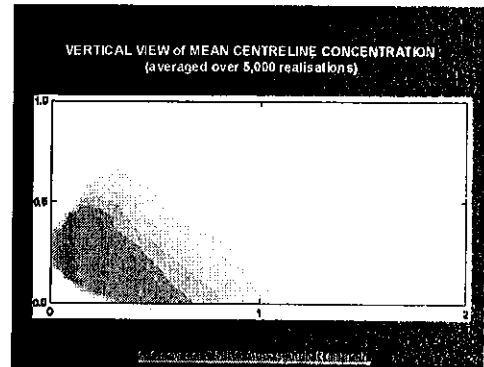
The concern is that adjacent buildings beside the child-care centre and near to the Western Stack will cause 'down-wash' of plume pollutants and expose vulnerable young children to the toxic effects of pollutants from both the stack and from the traffic on Epping Road. Also see live video of a plume trajectory at link:

<http://www.cmar.csiro.au/airquality/meander/index.html> Click on 'start'.

The RHS panel shows fallout of heavy particles in close proximity to a stack while light/fine particles remain in the air for days/weeks and travel 100's to 1000's of kms.

(e) Measures must be adopted in this modified development to include a child-care centre outdoors to eliminate such health risks, keeping in mind also that young children are more likely to place contaminated objects in their mouth. The ultimate solution is to install filtration in the stack.

(f) The relationship between air pollution, death and disease has been studied for decades, leading to the consistent conclusion that combustion of diesel and petrol is among the most toxic sources of emissions today (USA Clean Air Task Force Report, Feb. '05) viewed at the link: <http://www.catf.us/publications/view.php?id=83>



See also NH&MRC Report (2008) on Air Quality Around Tunnels – link: <http://www.nhmrc.gov.au/guidelines/publications/eh42>

These exhausts contain numerous dangerous compounds, ranging from respiratory irritants to carcinogens including a host of air toxics, particulate matter, carbon monoxide and nitrogen oxides.

The very fine particles adsorb toxic gases and liquids onto their surfaces. On a weight basis, a billion ultra-fine particles are about equivalent to one coarse particle 10 micrometres in diameter (PM10), but have 1000 times the surface area. The fine particles are mainly soluble and penetrate deep into the lungs. Health research indicates that the invisible exhaust may be the most dangerous of all. Technology exists right now to clean up emissions from these engines and to remove such toxics from road tunnels *by filtration*.

Children are more susceptible than adults (except the elderly) to the adverse effects of air pollution because:

- Children are more active and breathe more rapidly.
- They have more lung surface area compared to their body weight and inhale more air kgm-for-kgm than adults.
- They have higher lung volume to body size, higher respiration rates and spend more active time in the polluted outdoor environment.
- When exposed to fine particles, children have slowed lung function growth, increased emergency room visits, increased incidence of asthma, bronchitis and crib death (CATF Report, Feb. '05).

Conclusion:

In the knowledge that toxic/carcinogenic pollutants are discharged into the atmosphere from the adjacent western unfiltered stack of the Lane Cove Tunnel, the presence of buildings in the subject proposal will cause 'downwash' of such pollution plumes (dependent on weather conditions). Measures **MUST** be adopted to protect children, for whom up to 85 places are planned in the proposed child-care centre, against additive exposure to such toxic pollution.

NOTE: This matter has been reported by me to Professor Wayne Smith, Director of Environmental Health, NSW Department of Health. Professor Smith who is a member of the NSW Health's Expert Committee on Air Pollution was also interviewed by the Senate Committee of Inquiry on Health Impacts of Air Pollution. The transcript is available at link: http://www.aph.gov.au/parliamentary_business/committees/senate_committees?url=clac_ctte/air_quality/index.htm



36707/13

Lane Cove & Bushland Conservation Society Inc

P.O Box 989, Lane Cove NSW 1595

ABN 50 518 833 556

27 July 2013

SUBMISSION BY THE LCBCS ON MODIFICATION NO. 1 TO MP10_0148 MIXED USE REDEVELOPMENT OF 150 EPPING ROAD, LANE COVE WEST.

We note that the proposed changes to this development are relatively minor, however we do have some concerns, which we address below by referring to particular documents lodged with this application.

Future Environmental Assessment Requirements

1 Building Design

We do not agree with the watering down of the requirements for building design quality. The original requirements set out in Building Design a) and c) should prevail. In particular, the requirements of SEPP 65 should be adhered to.

20 Section 94 contributions

We do not accept any need for offsetting the cost of bushland upgrade works, as Council is the best body to determine the most appropriate use of these contributions. The developer has had the benefit of the inclusion of the "handle" in the FSR calculations.

22 Sydney Water

We note that the initial application for the development, the Department's assessment and the determination by the Planning Assessment Commission did not include **any consideration of the capacity of existing wastewater mains**. The current document acknowledges "the possible upsize and/or relocation of existing waste water mains". This should include remediation under Council supervision of any affected bushland.

23 Public Access

This section only refers to public access through the undeveloped riparian bushland but not the developed site itself. The drawings do not show any public access through the development. This should be provided to link the access from the bushland in the "handle" to the bushland tracks to the West of this site. We believe that there has always been an easement for this purpose.

Schedule 4 Statement of Commitments

B12 Developer Contributions

The original condition of entering into a planning agreement (VPA) with Lane Cove Council should be maintained.



Lane Cove & Bushland Conservation Society Inc

P.O Box 989, Lane Cove NSW 1595

ABN 50 518 833 556

B13 Dedication and Titling Arrangements

Council has maintained the "handle" over the last 25 – 30 years and it is vitally important for the visual amenity, environmental integrity and protection of the dam below it on Stringy Bark Creek. Such a large increase in permanent residents will impact on the bushland surrounding the site.

If Council does become the landowner, then the developer/owner should enter into an agreement with Council to contribute to its maintenance for at least the next 10 years. Our preference is for council to own the "handle". This is the best way of ensuring the long-term integrity of this bushland.

Landscape Design Report

We are pleased to see that the report proposes that "the proposed plant material will be substantially selected from Lane Cove Council and relevant authorities approved planned species lists "(p. 10). However we do not support the proposal that "exotic plants will be incorporated to civic places and courtyard areas where suitable to provide variety..." (p. 10). This is inconsistent with the first proposal and we contend that variety can be attained using native species.

Bushfire Assessment Report

The report by Building Code And Bush Fire Hazard Solutions shows, in attachment O2, that the Asset Protection Zone extends beyond the site boundary. Although the extension is not great, we believe it is important that this zone be all within the site.

Schedule 2

Part A Terms of Approval

A1 Development Description

It is clear that this large development will increase the demand for amenities in the Lane Cove area. It is therefore appropriate that the original 1850 m² of community floor space be retained and that it be clear that this is available to the Lane Cove community and not only the residents of this development.

Graham Holland
For LCBCS.

Attn: Jane Flanagan
Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39 Sydney 2001

41374/13

McLoughlan
group

Planning Assessment Committee (PAC)

Re: Request for changes to conditions on the Planning Concept Plan approval at 150 Epping Road, Lane Cove

This submission is put forward by the community members of Lane Cove Council's Bushland Management Advisory Committee. Our comments thus focus on issues that affect, or could affect, bushland arising from the request for changes.

There are three areas of bushland potentially affected by this development, the first two are matters directly included in the proposed changes:

1. the bush 'handle', owned by the proponent but also part of a larger bushland area known as Yangoora Bushland
2. bushland on both sides of Epping Road (the opposite side to the development site) that could be impacted by a pedestrian bridge.
3. bushland adjacent to the development site that is not part of the land owned by the proponent

1. The bush handle

Yangoora bushland, including the bush 'handle', is part of an almost continuous strip of bushland that runs the length of Stringybark Creek from just below the Pacific Highway through Batten reserve to the Lane Cove River. It is adjacent to a dam and wetlands on lower Stringybark Creek and forms a part of a valuable wildlife corridor that support diverse plant communities and wildlife. It is therefore essential this area is preserved and maintained at a high standard.

The whole area was dedicated as bushland as part of a development agreement with the owners SC Johnson in the 1990s. This agreement provided for the bushland track access by the public and provided funds for regeneration of the bushland over a 10 year period. The handle was subsequently sold to Rosecorp and enabled an advantageous FSR on the developable land in the original rezoning and concept plan for the 150 Epping Road site. However, at this time the assessors placed conditions on the retention, enhancement and maintenance of the bushland area.

In respect of this development approval, we maintain that:

- The handle is an important part of Yangoora bushland and there should be no deletion of the planning Agreement with Lane Cove Council and that the developer should be held to the conditions out lined in the approval or, preferably, that the land be given to Lane Cove council to protect as a bushland reserve in perpetuity.
- Transfer of the land should not be offset against the s94 developer contribution as the developer has already received a substantial monetary advantage with the increased FSR that this land provided..
- The development conditions should include upgrading of the track and provision for regeneration of the bush regeneration to a good standard in the area of the handle. Neither of

these two items are costly in terms of the overall development, yet would provide enhanced amenity for prospective buyers of the apartments.

2. Impact of construction of an overhead pedestrian bridge

Possible construction of such a bridge, given the footprint we believe would be required to include ramps, raises a number of issues of serious concern for bushland:

- The bushland area on the northeast side of Epping Road (opposite the development site) contains a number of Rare or Threatened Australian Plants (ROTAPs) as well as being an ecological community that is rare in Lane Cove. A pedestrian bridge at any location other than opposite, and connecting to, the ramp from Cumberland Street, will have substantial impact on this bushland, its natural sandstone rock outcrops and native species.
- On the other side of Epping Road (the southwest) a footbridge at any location other than directly in front of the development or at the road turnaround site will require massive staunchions in, and consequent incursion into, Yangoora Bushland, as Epping Road east of the 150 Epping Road site is retained above this bushland by a high rock wall and the drop from the road into the bushland is substantial, making access for construction a particular problem.

It thus seems that wherever such a footbridge is located it will have substantial impact on bushland. It is important that the residents be able to cross Epping Road safely, but also that this should not result in more destruction of the scarce bushland resource. In order to have a safe crossing, we suggest that either a footbridge solution is found that does not impact bushland, or that traffic lights be seriously investigated as an alternative. The latter would also solve significant vehicle access problems for residents by making provision for residents approaching from the west to turn right into the apartments, and for those wanting to turn right out of the apartments to travel east. Activated only by pedestrian buttons or by cars stopped to make these turns, the interruption to traffic on Epping Road can be minimised.

However, construction/installation of these lights must be funded by the developer in place of the pedestrian footbridge, along with construction of a footpath and traffic barrier fence along Epping Road on the northeast side as far as the southbound bus-stop near Cumberland Street.

3. Bushland adjacent to the development site

While these issues may be addressed in more detail in subsequent phases of the development approval process, we wish to note that location of the Asset Protection Zone (APZ), the construction phase, and later resident use, have great potential for adverse impacts on adjacent bushland and must be managed with appropriate conditions.

Thank you for the opportunity to comment,

Lynne McLoughlin, 16 Bridge Street, Lane Cove, 2066

Norma Stuart, 21A William Edward Street, Longueville, 2066

Yvonne Barber, 44A Ronald Avenue, Greenwich, 2065

Frances Vissel, 14 Fraser Street, Lane Cove, 2066

Gaye White, 3 Ronald Avenue, Lane Cove, 2066

Shauna Forrest, 41 Dettman Avenue, Lane Cove 2066

19 August, 2013

E-mail Message

38836/13

From: Richard Tibbitts [SMTP:rtibbitt@bigpond.net.au]
To: lccouncil [EX:/O=LCMC EXCHANGE 2007
 ORGANISATION/OU=EXCHANGE ADMINISTRATIVE GROUP
 (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Lccouncil]
Cc:
Sent: 6/08/2013 at 4:36 PM
Received: 6/08/2013 at 4:36 PM
Subject: Re: Information Meeting: 150 Epping Road (former Shell Service Station)

Dear Councillors,

Hopefully LC will provide a lot more additional car parking spaces before this project is completed as with another 403 apartments plus the two apartments blocks currently being built in Burns Bay Road next to Caroline Chisholm, parking is going to be a nightmare in Lane Cove, which is bad enough now with the current car parks being almost to capacity.

Kind regards Richard Tibbitts (local resident)

On 06/08/2013, at 4:05 PM, Lane Cove Council wrote:

<https://promo-manager.server-secure.com/download/files/03894/89286/Council%20BANNER.jpg>

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- Deletion of the Planning Agreement (VPA) with Lane Cove Council, in the terms

39177/13

E-mail Message

From: Megan Chatterton [SMTP:meganchatterton@bigpond.com]
To: lccouncil [EX:/O=LCCM EXCHANGE 2007
 ORGANISATION/OU=EXCHANGE ADMINISTRATIVE GROUP
 (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Lccouncil]
Cc:
Sent: 8/08/2013 at 12:22 PM
Received: 8/08/2013 at 1:58 PM
Subject: Re: Information Meeting: 150 Epping Road (former Shell Service Station)

Holy crap. Have you read this? Talk about taking the piss. It's outrageous. They've approved one thing then totally changed it to the developers interest.

On 08/08/2013, at 9:24 AM, "Lane Cove Council" wrote:

<https://promo-manager.server-secure.com/download/files/03894/89286/Council%20BANNER.jpg>

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Department of Primary Industries

OUT13/24060

21 AUG 2013

Ms Jane Flanagan
Major Projects
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Jane.Flanagan@planning.nsw.gov.au

Dear Ms Flanagan,

**150 Epping Road, Lane Cove West, (MP10_0148)
Proposed Modification**

I refer to your letter dated 9 July 2013 to the NSW Office of Water, a division within the Department of Primary Industries (DPI), in respect to the above matter.

Comment by NSW Office of Water

The Office of Water recommends Condition 16 (Riparian Land/Vegetation Management Plan) in Schedule 3 be amended in respect to the timing of submission of the required Vegetation Management Plan (VMP) for riparian land. Currently the condition requires the VMP be provided prior to a final occupation certificate being issued. However:

- (i) the VMP should provide a sequence for the implementation of the proposed vegetation works and it should be consistent with the project timetable and with the maintenance period extending beyond construction.
- (ii) condition 16 also requires the VMP *"provide details of vegetation to be retained and measures to protect riparian vegetation during the construction"*.

Requiring provision of the VMP only prior to final occupation is not consistent with these intents of such a Plan, and generates a risk that construction will be completed and the VMP will not be undertaken.

It is recommended provision of the VMP be required earlier in the process, for example prior to construction commencing for the development and that it be implemented prior to the occupation certificate being issued.

For further information please contact Janne Grose, Planning and Assessment Coordinator (Penrith office) on 4729 8262 or at janne.grose@water.nsw.gov.au.

Yours sincerely

Phil Anquetil

Executive Director Business Services

NSW Department of Primary Industries
Level 48 MLC Centre, 19 Martin Place Sydney NSW 2000
GPO Box 5477, SYDNEY NSW 2001

Tel: 02 9338 6666 Fax: 02 9338 6970 www.dpi.nsw.gov.au ABN: 72 189 919 072



Lane Cove Council

48 Longueville Road, Lane Cove NSW 2066

Tel: 02 9911 3555

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21 August 2013
Our ref: 42139/13

Mr S. Haddad,
Director-General,
NSW Department of Planning and Infrastructure,
GPO Box 39,
SYDNEY NSW 2001

Attention: Ms Jane Flanagan

Dear Mr Haddad,

RE: Mixed Use Redevelopment - 150 Epping Road, Lane Cove West: Modification No. 1 to MP10_0148

I refer to your letter of 10 July 2013 regarding the Department's exhibition of proposed amendments to the Mixed Use redevelopment proposal for 150 Epping Road, Lane Cove West: Modification No. 1 to MP10_0148. Council appreciates the extension of time allowed for the submission to be made after the Council meeting of 19 August at which a report on the matter was considered.

Council's submission takes into account views expressed at the Community Session held on 13 August, in response to a presentation by Meriton, and in the public's written submissions, and is detailed in Attachment 1 to this letter.

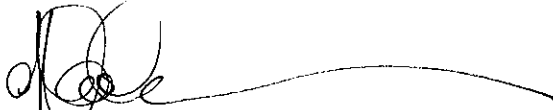
Council urges the Department to consider the modified application in relation to the concerns summarized in this submission, with the highest regard to be given to the following key issues:-

- 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 Rd 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.

In relation to a future development application, Meriton advised Council by letter of 27 June 2013 that it intends to hold a design competition to select an architect firm to prepare the DA and inviting Council to comment on the draft Design Brief. Council responded on 10 July with comments on the brief, but recommended that the design competition be deferred until after the proposed Concept Plan amendments had been determined by the Department.

Council requests that the Department give serious consideration and support to Council's attached submissions, in particular in regard to the key issues above, and thanks you for the opportunity to comment on the exhibition.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Mason', followed by a long, horizontal, slightly wavy line that extends to the right.

Michael Mason,
Executive Manager – Environmental Services

COUNCIL SUBMISSIONS ON MODIFICATION TO MIXED USE PROPOSAL – 150 EPPING ROAD, LANE COVE WEST: August 2013

Note: Community Session refers to the meeting, with Meriton presentation, held on 13 August 2013 in the Council Chamber.

A. DEVELOPER CONTRIBUTIONS/ SECTION 94/ VOLUNTARY PLANNING AGREEMENT

The PAC's Concept Plan approval included a requirement for a VPA in accordance with the terms of a letter from Rose Group of 9 March 2011 as shown attached as AT-1. Whilst a number of Council's concerns are addressed by the VPA, Council has not at any stage formally agreed to the contents of the VPA. Of specific concern is Meriton's assertion that any matters not specifically noted as free of cost should be offset against s94 contributions.

Council's position is that these matters in the VPA are specific to the site and were provided by the proponent as an incentive to have the site rezoned and FSR concentrated on the current footprint. The s94 contributions play a different role by contributing to general identified community infrastructure not specific to the site.

It is not appropriate that the general Section 94 contributions be discounted in return for the works to be provided under the VPA, having regard to the benefits received by the owner in the significant height approved and the FSR calculated across the entire site.

Meriton are also proposing to delete the requirement for a VPA, and instead have suggested any commitments be conditions of any Development consent. Council does not support this arrangement, as the requirements would then not be specifically a requirement of the PAC approval, and as a result reduce certainty in their delivery as they would be subject to appeal in the Land and Environment Court.

Again, the matters in the VPA are specific to the site and were provided by the proponent as an incentive to have the site rezoned; they should not be diluted. The proposed amendments to matters covered by the VPA are indicated below with comment

Voluntary Planning Agreement in letter of 8 March 2011 –condition of PAC approval of August 2012	Proposed Amendments by Meriton	Council submission
Public use of bushland “handle” The provision of public access to the part of the Land to be zoned E2 – Environmental Conservation	Where Council prefers not to own the land, a covenant shall be placed on title to allow public access, although infrastructure works to be used	<i>Modified proposal supported:</i> Council supports the dedication of the bush handle free of cost (Option 1.1) to secure the land permanently. Maintenance would then be supervised on the basis of Council standards and expertise.

Voluntary Planning Agreement in letter of 8 March 2011 –condition of PAC approval of August 2012	Proposed Amendments by Meriton	Council submission
<p>1.1 Public access to the E2 land may be achieved through the dedication of the E2 Land to the Council free of cost.</p> <p>1.2 Alternatively, if preferred by the Council, the E2 land could remain in private ownership with legal rights of footway for the public.</p>	<p>by the public and ongoing costs will be sought to be offset against Section 94 obligations.</p>	<p>It is noted that the development would still have the benefit of this land for calculation of floor space across, and that the site's residents will benefit from proximity to the locality's walking paths network. It would also be reasonable that the area be upgraded to Council's agreed standard free of cost prior to dedication to Council.</p>
<p>Public walking paths The provision of a public walking track through the land with linkage to the existing walking track along the Lane Cove River.</p> <p>2.1 The Walking Track will be provided to reasonable Council standards and may include the following features and similar features, subject to negotiation with the Council:</p> <ul style="list-style-type: none"> (i) rest points; (ii) seats; and (iii) information posts. <p>2.2 The Walking Track will be maintained by Catra or its successors in title free of cost to the Council.</p>	<p>The developer undertakes to provide some public benefits beyond that needed for the development (eg upgrade of bushland area on site), provided there is a credit given against s94 contributions, as is reasonable.</p>	<p><i>Modified proposal not supported:</i> This reworded offer is too insubstantial. The concept of giving credits against the VPA matters is not supported, as they are specific to the site and were provided by the applicant as an incentive for the concentration of FSR at the western end and to have the site rezoned.</p> <p>It is noted and supported that the developer confirmed at the Community Session that the public shall have access also through the developed portion of the site both through the public walking track and via the internal road. A suitable location for the links would be discussed with Council's Open Space Section.</p>
<p>Affordable housing The provision of 10% of the total residential units as "affordable housing" units, as defined by the</p>	<p>Meriton proposes that the total number of affordable housing units to be reduced from 10% to 4% in line with recent</p>	<p><i>Modified proposal not supported, but an alternative is recommended:</i> The amount of affordable housing included in the PAC approval was a key incentive for consideration of the original proposal and aligns with the quantum in the Affordable Housing SEPP.</p>

Voluntary Planning Agreement in letter of 8 March 2011 –condition of PAC approval of August 2012	Proposed Amendments by Meriton	Council submission
<p>EPA Act and the State Environmental Planning Policy (Affordable Rental Housing) 2009 [i.e. to be returned to the owner after 10 years].</p> <p>3.1 An application will be made to participate in the National Rental Affordability Scheme.</p>	<p>decisions from the Planning and Assessment Commission.</p>	<p>At each stage since Rose Group originally approached Council seeking support for a redevelopment of nine storeys, then twelve storeys, culminating in the Planning Assessment Commission's Part 3A approval in August 2012 for twenty storeys, affordable housing has been offered as a central incentive for the scheme.</p> <ul style="list-style-type: none"> • This included a letter to Council from Rose Group of 16 February 2010 stating that "the proposal has the potential to be a showcase for affordable housing integration into new development for Lane Cove". • The Preferred Project Report of 5 March 2012 advised that "a significant public benefit will be the affordable housing component", to be 10%. • The Director-General's Environmental Assessment Report of May 2012 stated that "the proposed development includes the provision of affordable housing which is a key priority under the Metro Plan. The future development application for residential development will need to demonstrate that 10% of the dwellings will be affordable housing for a minimum of 10 years". • The Concept Plan approval of 14 August 2012 required 10% affordable housing to be provided under Schedule 3: Future Environmental Assessment Requirements and Schedule 4: Statement of Commitments. <p>Council submits that the developer's proposed reduction from 10% (40 units) to 4% (17 units, based on 403 dwellings) is unacceptable unless the dwellings are provided in perpetuity to Council, as under e.g. the Willoughby City Council affordable housing scheme referred to by Meriton. As emphasised by the Department above, key-worker housing is an important objective of the Metropolitan Strategy, and Council's proposal would be an appropriate contribution towards meeting this need on a long-term basis.</p> <p>Council recognises that 10% would not be provided in perpetuity, as this was not a PAC requirement. However the provision of 4% in perpetuity would be comparable with the original requirement, and in fact preferable to losing the affordable housing after 10 years.</p>
<p>Community bus The provision of best practice sustainability design measures for</p>	<p>No change to 4.1 (i), (ii), (iv) and (v).</p>	<p><i>Modified proposal not supported:</i> Council submits that the capital cost for a community bus at least should be provided, with an ongoing scheme for its operation/ maintenance to be potentially set up by Council.</p>

Voluntary Planning Agreement in letter of 8 March 2011 –condition of PAC approval of August 2012	Proposed Amendments by Meriton	Council submission
<p>the Development Proposal on the land beyond the mandatory environmental measures required under BASIX.</p> <p>4.1 The proposed sustainability design measures may include the following, subject to negotiation with Council:</p> <ul style="list-style-type: none"> (i) Car share spaces; (ii) Water saving initiatives; (iii) Community bus; (iv) Charge points for electric cars; and (v) Bicycle parking & and storage. 	<p>4.1 (iii) Meriton would like to delete the requirement to provide a community bus as this would be an unnecessary continuing cost impost on the future owners corporation and be of little or no benefit as this is not a retirement community and future occupants would be coming and going at all times of the day and night.</p>	<p>This would be a reasonable balance between the demand created by the new development and the potential use by other residents including the Mowbray precinct.</p> <p>This takes into account the site's isolation, the need to minimize car usage given pressure due to Metro Strategy growth on the road network, car parking e.g. at the Village etc.</p> <p>It recognises also the community comments that school children from the new development would require school transport, in particular since the site is in the catchment for Ryde, not Lane Cove, schools, as well as Department of Education data that the occupancy rate for children in units is at least half that for houses.</p>
<p>Public art The provision of public art at the entrance to the land.</p> <p>5.1 The proposed public art will be commissioned by Catra generally in accordance with the provisions of Part L of the Lane Cove Development Control Plan 2010 and at reasonable cost.</p> <p>5.2 In particular, the proposed planning agreement will confirm that the proposed public art will be:-</p> <ul style="list-style-type: none"> (i) provided for the development at no cost to Council; 	<p>No change</p>	<p><i>Modified proposal supported:</i> The cost is to be effectively guided by the DCP.</p>

Voluntary Planning Agreement in letter of 8 March 2011 –condition of PAC approval of August 2012	Proposed Amendments by Meriton	Council submission
(ii) maintained by Catra [Rose Group] or its successor in title.		
<p>Pedestrian crossing - Epping Rd The provision of traffic lights or a pedestrian overbridge at Epping Road.</p> <p>6.1 Subject to RTA approval.</p>	<p>Meriton seeks to delete this clause on the grounds that the RMS does not support either new traffic lights or a pedestrian bridge as they believe there are adequate crossing points for pedestrians to access bus stops along Epping Road on both sides of the road.</p>	<p><i>Modified proposal not supported:</i> 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 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.</p> <p>The nearest existing eastbound bus stops are 350+ metres to Mowbray Rd 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.</p> <p>The pedestrian bridge would serve an important role for employees from the Lane Cove West and Mowbray Rd industrial areas, the recently-upzoned Mowbray precinct and the Willoughby side north of Mowbray Rd. This relates not only to access to public transport but also for the public walking network</p>

Voluntary Planning Agreement in letter of 8 March 2011 –condition of PAC approval of August 2012	Proposed Amendments by Meriton	Council submission
		between the River and the bushland south and north of Epping Rd. Council has not received any comment from the RMS rejecting the bridge or traffic lights.
Section 94 7. The provision of s94 contributions towards the provision or improvement of amenities or services. 7.1 In calculating the s94 contributions applicable to the Planning Proposal under the Lane Cove s94 Contribution Plan, the Council must take into consideration the in-kind development contributions otherwise provided by the owner in the proposed planning agreement.	Except for those items in this agreement that are stated as being free of cost to the Council we propose to claim an offset from the s94 contributions for the cost of the remaining items.	<i>Modified proposal not supported:</i> Council does not support offsetting/ discounting of the general Section 94 contribution, as this provides infrastructure for use by future residents including the Library, Aquatic Centre, roads, open space etc. The VPA is to provide additional items of specific relevance to this site. There is no justification to vary from the 2012 approval in this regard. The Part 3A Approval's requirement for a future DA to be accompanied by the Voluntary Planning Agreement provided in writing to Council on 9 March 2011 has been deleted from the Amended Concept Plan. This is not acceptable to Council, nor is the watered-down replacement undertaking "to provide some public benefits beyond that needed for the development (eg upgrade of bushland area on site) provided there is a credit given against s94 contributions, as is unreasonable". This gives no certainty to Council and its community, or confidence in Meriton's willingness for its development to contribute to the locality in any meaningful way.
VPA drafting 8. The drafting of the proposed planning agreement by the owner.	No change	<i>Modified proposal supported:</i> Subject to Council, and the Department if required, signing off on the draft before finalization.

B. GENERAL CONDITIONS OF CONCEPT APPROVAL

Condition	Proposed Amendments by Meriton	Council comment
Height and FSR	To increase FSR to 1.16:1 and	<i>Modified proposal not supported:</i> FSR should remain at 1.1:1 and new storeys

<p>Plans are to be in accordance with PAC's approval of 14 August 2012.</p>	<p>36,927m2 (up from 35,034m2) - not significant</p> <p>To add two storeys to lower buildings.</p>	<p>be deleted.. This development will have a significant visual impact, not only due to its highest building but to the bulk of the other buildings, especially viewed from Lane Cove National Park, River and Ryde. No further increase would be acceptable.</p> <p>The current proposal is already for an extremely high building relative to the low-scale of the site's visual and environmental catchment near the boundary of three council areas.</p> <p>The increase in GFA by 5.4% in excess of the PAC's approval is not justified and is not supported.</p> <p>Meriton's advice to Council at the Community Session that it would be withdrawing the additional FSR and storeys on the lower buildings is supported</p>
<p>SEPP 65 The Concept Approval Part B – Modifications to the Concept Plan states: "B1: Full Compliance with SEPP 1: The concept approval is subject to each building (including any townhouses included in the building) strictly complying with State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002".</p>	<p>The developer had proposed modified Commitments which excluded this required. Meriton has, however, confirmed on 13 August 2013 that SEPP 65 will be fully complied with.</p>	<p><i>Modified proposal not supported:</i> The building must "strictly" meet the requirements of SEPP 65 which is State policy applicable across NSW.</p> <p>The Design Competition should be additional to SEPP 65 standards, not an alternative, and promote an iconic building form, avoiding bland and unoriginal design, but as distinct from "sticking out like a sore thumb". The developer's proposal to "generate a high quality design solution for the site and introduce buildings that respect its immediate context" should seek to reference the natural environment component of the visual catchment. The objective to "achieve a design with an emphasis on high quality landscaping integrated with the buildings" should be extended for the landscaping to integrate sensitively with the vegetation surrounding the site.</p>
<p>Vehicular Access a) A Stage 2 Road Safety Audit, prepared by a suitably qualified consultant is to review the proposed access arrangements for vehicles entering and exiting the site. The safety audit is to be undertaken in consultation with the RTA and any</p>	<p>Delete</p>	<p><i>Modified proposal not supported:</i> Safety on this site is critical due to the traffic volumes on Epping Road, therefore the Audit is essential. All required traffic studies must be undertaken before DA approval. See below re traffic study being required.</p>

relevant findings are to inform the final design of the vehicular access arrangements.		
<p>Traffic Impact</p> <p>a) A Traffic Analysis, prepared by a suitably qualified traffic consultant detailing the impact of the proposed development on the operation of the intersection at Mowbray Road/Centennial Avenue, having regard to cumulative impacts from the Mowbray Road Precinct. In the event the traffic analysis determines the proposed development contributes to the need to upgrade the intersection then the proponent shall negotiate with Lane Cove Council to ascertain proportionate monetary contributions to fund the upgrade of the intersection.</p> <p>b) The traffic analysis shall be undertaken in consultation with Lane Cove Council and the Roads and Maritime Services.</p>	Delete	<p><i>Modified proposal not supported:</i> A Traffic Analysis is important and should not be deleted.</p> <p>It is understood that The PAC was aware of and understood the potential impacts of the recent rezoning of the Mowbray Precinct to high density residential, within this site's traffic precinct.</p> <p>The cumulative impact of then adding this development would make it particularly important that traffic analysis of the Mowbray Rd and Centennial Av be undertaken, as well as other requisite traffic studies, prior to DA approval. The methodology behind the Colston Budd trip generation rates should be recalculated without discounting vehicle trip numbers arising from on-site surveys of the old petrol station, which did not generate demand so much as serve passing traffic.</p> <p>Council calls for the traffic impact analysis and amelioration measures recommended to be undertaken as required by the PAC.</p>
<p>Riparian Land/ Vegetation Management Plan</p> <p>A Vegetation Management Plan shall be provided for the riparian land in the southern and eastern portions of the site. The VMP must consider the criteria identified in the Vegetation Management Plan Guidelines of the Dept of Water and Energy (February 2008).</p>		<p><i>Modified proposal not supported:</i> Council does not agree to Section 94 contributions being discounted for works e.g. "bushland upgrade works (such as infrastructure for the use by the public and outlined in the Riparian Land/Vegetation Management Plan)".</p> <p>The original proposal was proposed to the Department and Council with these types of works as additional inclusions. The incoming residents in the site will use and add pressure to the traffic, urban services, recreational and community facilities throughout Lane Cove. The Section 94 contributions are to be fully paid as by all developers increasing population in Lane Cove. It is considered that such works must be at the proponents cost and to the standards of the Department of Water and Energy.</p>

C. OTHER DEVELOPER DESIGN, FLOOR SPACE DISTRIBUTION ETC

PAC approval of August 2012	Proposed changes - Meriton comment	Council comment
Residential 31,615m ² – 400 units	35,203m ² – 403 units, the number of units is increasing less than 1%,	<i>Modified proposal not supported:</i> The floor space figures contain inconsistencies. In particular, there has been no satisfactory explanation of the increase by 3,588m ² to accommodate only 3 additional units. This issue is unclear and therefore is not supported, as it appears to be a potential to further overdevelopment of the site.
Retail 769m ²	258m ² – the quantum of retail is proposed to meet the demands of the future population.	<i>Modified proposal supported:</i> No objection is raised; however this reduction to a small shop highlights an increase in expected trips from this isolated site to the Village and the benefit of a regular community bus service.
Commercial 800m ² approx.	0m ² – not viable for this site.	<i>Modified proposal supported:</i> Given the addition of a child care centre, outlined below.
Community 1,850m ²	816m ² [approximately 30 x 27m ²] is appropriate for the future population.	<i>Modified proposal supported, subject to additional recommendation:</i> Given the site's geographic and social isolation, in addition to a pool, gym and small meeting room, appropriate outdoor recreation facilities, e.g. communal garden area, outdoor exercise equipment for all age groups separate to the Child Care, should be provided, and are not currently specified in the Concept Plan.
Child care 0m ²	650m ² – this will provide a service for the future community on site and the wider community.	<i>Modified proposal supported:</i> The provision of a childcare centre should have regard to its proximity to the Lane Cove Tunnel Ventilation stack. Community comments were made as to the need for sunlight in the play area and location away from traffic noise.
Car spaces 645 plus or minus 10%	596 – this will reduce traffic impacts due to fewer cars entering/ leaving the site.	<i>Modified proposal supported, subject to comment:</i> The Concept Plan approval allows for a 10% reduction in vehicle numbers. Meriton have indicated they will meet Council's DCP requirements; therefore no objection is raised to the vehicle numbers.

D. OTHER ISSUES

Proposed changes	Council comment
Bedroom mix providing for only 5% 3- bedroom units	<i>Modified proposal not supported:</i> The development should provide 10% 3BRs in accordance with the DCP, on the policy of providing housing for all stages of the life-cycle. Meriton confirmed at the

	Community Session that 10% will be provided.
Director-General's Design Excellence Guidelines compliance	<i>Modified proposal not supported:</i> The Part 3A Approval requirement for future development applications to achieve design excellence in accordance with these Guidelines has been deleted and replaced with a proposal for peer review of one architectural firm. This inconsistency in the documentation supporting the Design Brief has not been explained and is not supported.
Bushfire: The proposed concept plan amendment has deleted the Part 3A Approval's requirement that the final design "has regard to the comments of the RFS in their letter dated 25 July 2012". It states that this part of the condition "is deleted as the amended design has addressed bushfire safety issues".	<p><i>Modified proposal not supported:</i> This is a particularly important issue having regard to the inclusion of a child care centre. No dilution of the PAC requirements or requirement to consult with the RMS and Council at the DA stage on this issue would be supported.</p> <p>Council policy does not support the requirement of an Asset Protection Zone on public land in the absence of positive public benefit from a development and does not support any variation from the 2012 PAC approval in this regard.</p>
Air quality	<p>Council and residents have, in previous and current submissions, drawn attention to air pollution issues in relation to the unfiltered Tunnel stack in the nearby industrial area. This significant issue is particularly important given the proposed child care centre on-site and the DA should seek to minimize impacts by the design and location of the new complex.</p> <p>This issue has been raised also in relation to the National Starch factory to the west.</p>
Adaptable and visitable units	The percentage of adaptable and visitable units in the finalised proposal should be in accordance with the Council DCP.
Water management	Consideration of the capacity of wastewater drainage infrastructure will be an issue of concern to existing and future residents of the locality. Bush revegetation after any works on public land should be undertaken at the developer's expense.

Jane Flanagan - Exhibition of Modification Request for 150 Epping Road, Land Cove West (MP10_0148 MOD 1)

From: Susan Harrison <Susan.Harrison@environment.nsw.gov.au>
To: "jane.flanagan@planning.nsw.gov.au" <jane.flanagan@planning.nsw.gov.au>
Date: 7/22/2013 3:32 PM
Subject: Exhibition of Modification Request for 150 Epping Road, Land Cove West (MP10_0148 MOD 1)

Dear Jane,

I have reviewed the Office of Environment and Heritage's (OEH) previous comments on the MP10_0148. These related to odour and site contamination issues. Since that time, responsibility for those issues has transferred to the Environment Protection Authority. Therefore OEH has no comments to make on the proposed modification.

Regards
Susan

Susan Harrison
Senior Team Leader Planning, Greater Sydney
Regional Operations Group
Office of Environment and Heritage
NSW Department of Premier and Cabinet
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Parramatta NSW 2124
T: 9995 6864
W: www.environment.nsw.gov.au

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

Jane Flanagan - Exhibition of Modification Request, 150 Epping Road, Lane Cove West - MP10_0148 MOD 1 - FURTHER INFORMATION

From: JEGATHESAN Janarthanan <Jana.JEGATHESAN@rms.nsw.gov.au>
To: Jane Flanagan <Jane.Flanagan@planning.nsw.gov.au>
Date: 8/7/2013 10:35 AM
Subject: Exhibition of Modification Request, 150 Epping Road, Lane Cove West - MP10_0148 MOD 1 - FURTHER INFORMATION

Hi Jane,

Further to the comments received from RMS in regards to the above subject developement, its been brought to RMS attention that the works are in close proximity to the LCT infrastructure. It is requested that the Motorway Management and LCT Operations be notified of any information/works in regards to the above developement as to ensure that LCT/Motorway infrastructure is not affected in anyway. They will need to be updated. Thanks and much appreciated for your help.

For further information please contact Clifford Blake (LCT Operations Manager) on 9937-1216 and George Bardas (Project Engineer, Motorway Operations) on 8837-0928.

Regards,

Jana Jegathesan
Assistant Planner
Land Use Planning and Assessment
T 02 8849 2313 F 02 8849 2918
www.rms.nsw.gov.au

Roads and Maritime Services
27-31 Argyle Street Parramatta NSW 2150



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25 July 2013

SYD12/00373/03 (A4883887)
Your Reference: MP10_MOD 1

The Director
Metropolitan and Regional Projects South
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Jane Flanagan

**EXHIBITION OF MODIFICATION FOR MIXED USE DEVELOPMENT
150 EPPING ROAD, LANE COVE WEST**

Dear Sir/Madam,

I refer to your letter dated 10 July 2013 with regard to the abovementioned development proposal, which was referred to Roads and Maritime Services (RMS) for comments.

RMS has reviewed the modification for the mixed use development and provides the following comments to the Department of Planning & Infrastructure:

1. The plan SS13-2629 submitted to RMS contradicts with the agreement reached by RMS at the meeting held on the 04 June 2013 with the applicant. The plan states there is an entry/exit at location (G) but RMS requested this be an exit only onto Epping Road along with the removal of the proposed slip lane on Epping Road and this was agreed at the meeting. The plan needs to be modified to show the agreed position.
2. The report also indicates that the western access or secondary access road (I) as mentioned in plan SS13-2629 is for service and emergency vehicles only. Previous discussion mentioned that this access was for emergency vehicles only. RMS does not support service vehicles accessing the development through the secondary access road (I) as it creates safety concerns which were previously mentioned.
3. Therefore, RMS requires placement of a concrete median/bollards opposite the secondary access road (I), as discussed at the meeting, to stop traffic from existing via the western side/secondary road access (I). Furthermore, the western access is referred to as "secondary access road" is incorrect as it is only an emergency service access point and therefore should be amended appropriately.

Roads & Maritime Services

In addition to the above RMS raises no objections to the modifications which include:

- Change of mix retail, commercial , community and residential floor space
- Increase total gross floor area by approximately 8% (from 35,034sqm to 36,927sqm)
- Increase is estimated number of apartments from 400-403
- New child care centre for approximately 85 children
- Reduce basement car parking from 645 to 596 spaces
- Minor changes to building envelopes and footprints
- Reduce the provision of affordable housing from 10% to 4%
- Delete slip lane on Epping Road
- The removal of the proposed pedestrian bridge

Any inquiries can be directed to Jana Jegathesan by telephone on 8849 2313.

Yours sincerely



Pahee Sellathurai
Senior Land Use Planner
Land Use Planning and Assessment

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127

Facsimile: (02) 8741 5433



Director General
Dept. Of Planning - Urban
GPO Box 39
Sydney NSW 2001

RECEIVED
- 1/8/13
Director General

Your Ref: MP10_0148 MOD 1
Our Ref: S12/0013
DA13080188435 MH

Attention: Jane Flanagan

2 August 2013

Dear Sir/Madam,

Part 3A Development for 150 Epping Road Lane Cove NSW 2066

I refer to your letter dated 9 July 2013 requesting a modification to the above approved concept design regarding bush fire protection in accordance with the *Environmental Planning and Assessment Act 1979*.

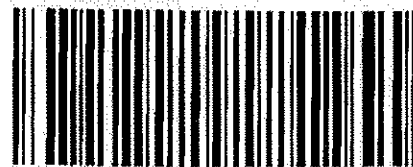
Based upon an assessment of the additional information received for the proposal, the NSW Rural Fire Service (RFS) raises no objections to the proposed child care centre detailed within the amended plans being constructed to BAL 12.5 in accordance with Australian Standard 3959-2009 *Construction of buildings in bushfire prone areas*.

The provision of other bushfire protection measures detailed within *Planning for Bush Fire Protection 2006* for the proposed child care centre will be accommodated by the recommendations contained within the RFS correspondence dated 25 July 2012 and referenced DA12062683852 MS for the remainder of the concept development.

For any queries regarding this correspondence please contact Mark Hawkins on 1300 NSW RFS.

Yours faithfully,

Michelle Streater
A/ Team Leader, Development Assessment & Planning



PMU028837

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.

15 July 2013

ATTENTION: Ms Flanagan

Ms Heather Warton
Director, Industry, Social Infrastructure and Key Sites
Department of Planning and Infrastructure
GPO Box 39,
Sydney NSW 2001

Department of Planning
Received
18 JUL 2013
Scanning Room

Sydney
WATER



PCU046528

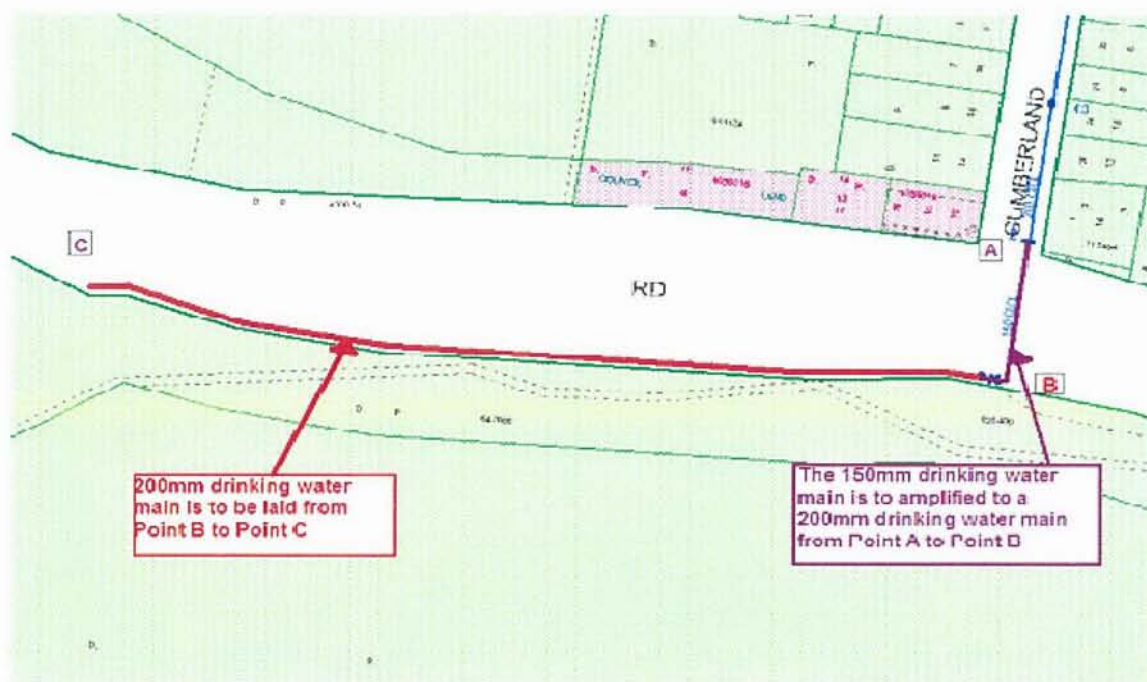
Re: MP10_0148 MOD 1 - 150 Epping Road, Lane Cove West

Dear Ms Warton

Thank you for your letter about the proposed development at the above address. Sydney Water has reviewed the proposal and provides the following comments for your consideration.

Water

- To service the development the drinking water main needs to be amplified to 200mm from point A to point B.
- The development will be served by a drinking water extension off the 200mm main on Epping Road from point B to point C.
- An extension could be linked to the 150mm water main on Epping Road. This would eliminate a dead end main and provide supply from two directions.
- The proposed drinking water infrastructure for this development will be sized & configured according to the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012).
- See Concept plan below.



Wastewater

- The wastewater main available for connection is the 300mm main constructed under SO 47531.
- Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.
- The site is traversed by existing 225/150mm wastewater mains. If these mains are to be adjusted they must be sized to cater for the catchment which they service.

Trade Waste Information

Should this development generate trade wastewater, this correspondence does not guarantee the applicant that Sydney Water will accept the trade wastewater to its sewerage system. In the event trade wastewater is generated, the property owner is required to submit an application for permission to discharge trade wastewater to the sewerage system before business activities commence. A boundary trap will be required where arrestors and special units are installed for trade waste pre-treatment.

For further information please visit the Sydney Water website at:

<http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/>

Sydney Water Servicing

Sydney Water will further assess the impact of any subsequent development when the developer applies for a Section 73 Certificate. This assessment will enable Sydney Water to specify any works required as a result of future development and to assess if amplification and/or changes to the system are applicable. The developer must fund any adjustments needed to Sydney Water infrastructure as a result of the development.

The developer should engage a Water Servicing Coordinator to get a Section 73 Certificate and manage the servicing aspects of the development. The Water Servicing Coordinator will ensure submitted infrastructure designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

Sydney Water e-planning

Sydney Water has an email address for planning authorities submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au. The use of this email will help Sydney Water provide advice on planning projects faster, in line with current planning reforms. It will also reduce the amount of printed material being produced. This email should be used for:

If you require any further information, please contact Jordan Faeghi of the Urban Growth Branch on 02 8849 4014 or e-mail jordan.faeghi@sydneywater.com.au.

Yours sincerely,


for
Adrian Miller,
Manager, Growth Strategy

Sydney Water Corporation ABN 49 776 225 038

1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au

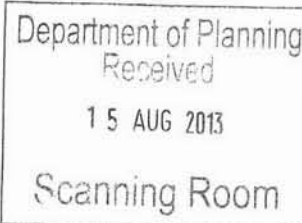
Delivering essential and sustainable water services for the benefit of the community



Transport
for NSW



PCU047221



Ms Heather Warton
Director, Industry, Social Infrastructure and Key Sites
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Dear Ms Warton,

Thank you for the opportunity to provide comment on: Exhibition of Modification Request for 150 Epping Road, Lane Cove West (MP10_0148 MOD 1).

Transport for NSW (TfNSW) has considered the transport related aspects of the proposal as well as the Roads and Maritime Services response to this proposal signed by Pahee Sellathurai, Senior Land Use Planner on 25 July 2013.

TfNSW supports the RMS comments and has no further substantive issue to add.

Please note Ms. Mohini Nair has moved on and future correspondence should be addressed as follows:

Anissa Levy
Principal Manager, Integrated Transport and Land Use Planning
Transport for NSW
PO Box K659
HAYMARKET NSW 1240

Should the DP&I contact officer, Ms Jane Flanagan, have any questions in relation to this matter she may contact Mr. Tim Dewey, Senior Land Use and Transport Planner on 8202 2188.

Yours Sincerely

Mark Ozinga
Mark Ozinga
Manager Land Use and Transport Planning

12-8-2013

CD13/13462

Modification No. 1 to MP10_0148 Mixed use redevelopment of 150 Epping Road, Lane Cove West

The application proposes to modify the approved development as follows:

alteration of the mix of retail, commercial, community and residential floorspace amounts;

increase total gross floor area by approximately 8% (from 35,034sqm to 36,927sqm);

small increase in estimated number of apartments by less than 1% (from 400-403);

new child care centre for approximately 85 children;

reduction to basement carparking from 645 to 596 spaces;

slight changes to building envelopes and footprints;

change to affordable housing from 10% provided on-site to 4%; deletion of slip lane on Epping road;

changes to proponent's Statement of Commitments, including the commitment to enter into a voluntary planning agreement;

various changes to conditions; reduce floor to ceiling heights (from 3.2m to 3.1m); and identification of the lift overruns.

Attn: Jane Flanagan
Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39 Sydney 2001

Planning Assessment Committee (PAC)

**Re: Request for changes to conditions on the Planning Concept Plan approval at 150 Epping Road.
Lane Cove**

This submission is put forward by the community members of Lane Cove Council's Bushland Management Advisory Committee. Our comments thus focus on issues that affect, or could affect, bushland arising from the request for changes.

There are three areas of bushland potentially affected by this development, the first two are matters directly included in the proposed changes:

1. the bush 'handle', owned by the proponent but also part of a larger bushland area known as Yangoora Bushland
2. bushland on both sides of Epping Road (the opposite side to the development site) that could be impacted by a pedestrian bridge.
3. bushland adjacent to the development site that is not part of the land owned by the proponent

1. The bush handle

Yangoora bushland, including the bush 'handle', is part of an almost continuous strip of bushland that runs the length of Stringybark Creek from just below the Pacific Highway through Batten reserve to the Lane Cove River. It is adjacent to a dam and wetlands on lower Stringybark Creek and forms a part of a valuable wildlife corridor that support diverse plant communities and wildlife. It is therefore essential this area is preserved and maintained at a high standard.

The whole area was dedicated as bushland as part of a development agreement with the owners SC Johnson in the 1990s. This agreement provided for the bushland track access by the public and provided funds for regeneration of the bushland over a 10 year period. The handle was subsequently sold to Rosecorp and enabled an advantageous FSR on the developable land in the original rezoning and concept plan for the 150 Epping Road site. However, at this time the assessors placed conditions on the retention, enhancement and maintenance of the bushland area.

In respect of this development approval, we maintain that:

- The handle is an important part of Yangoora bushland and there should be no deletion of the planning Agreement with Lane Cove Council and that the developer should be held to the conditions out lined in the approval or, preferably, that the land be given to Lane Cove council to protect as a bushland reserve in perpetuity.
- Transfer of the land should not be offset against the s94 developer contribution as the developer has already received a substantial monetary advantage with the increased FSR that this land provided..
- The development conditions should include upgrading of the track and provision for regeneration of the bush regeneration to a good standard in the area of the handle. Neither of

these two items are costly in terms of the overall development, yet would provide enhanced amenity for prospective buyers of the apartments.

2. Impact of construction of an overhead pedestrian bridge

Possible construction of such a bridge, given the footprint we believe would be required to include ramps, raises a number of issues of serious concern for bushland:

- The bushland area on the northeast side of Epping Road (opposite the development site) contains a number of Rare or Threatened Australian Plants (ROTAPs) as well as being an ecological community that is rare in Lane Cove. A pedestrian bridge at any location other than opposite, and connecting to, the ramp from Cumberland Street, will have substantial impact on this bushland, its natural sandstone rock outcrops and native species.
- On the other side of Epping Road (the southwest) a footbridge at any location other than directly in front of the development or at the road turnaround site will require massive staunchions in, and consequent incursion into, Yangoora Bushland, as Epping Road east of the 150 Epping Road site is retained above this bushland by a high rock wall and the drop from the road into the bushland is substantial, making access for construction a particular problem.

It thus seems that wherever such a footbridge is located it will have substantial impact on bushland. It is important that the residents be able to cross Epping Road safely, but also that this should not result in more destruction of the scarce bushland resource. In order to have a safe crossing, we suggest that either a footbridge solution is found that does not impact bushland, or that traffic lights be seriously investigated as an alternative. The latter would also solve significant vehicle access problems for residents by making provision for residents approaching from the west to turn right into the apartments, and for those wanting to turn right out of the apartments to travel east. Activated only by pedestrian buttons or by cars stopped to make these turns, the interruption to traffic on Epping Road can be minimised.

However, construction/installation of these lights must be funded by the developer in place of the pedestrian footbridge, along with construction of a footpath and traffic barrier fence along Epping Road on the northeast side as far as the southbound bus-stop near Cumberland Street.

3. Bushland adjacent to the development site

While these issues may be addressed in more detail in subsequent phases of the development approval process, we wish to note that location of the Asset Protection Zone (APZ), the construction phase, and later resident use, have great potential for adverse impacts on adjacent bushland and must be managed with appropriate conditions.

Thank you for the opportunity to comment,

Lynne McLoughlin, 16 Bridge Street, Lane Cove, 2066
Norma Stuart, 21A William Edward Street, Longueville, 2066
Yvonne Barber, 44A Ronald Avenue, Greenwich, 2065
Frances Vissel, 14 Fraser Street, Lane Cove, 2066
Gaye White, 3 Ronald Avenue, Lane Cove, 2066
Shauna Forrest, 41 Dettman Avenue, Lane Cove 2066



Lane Cove Bushland & Conservation Society Inc

P.O Box 989, Lane Cove NSW 1595

ABN 50 518 833 556

27 July 2013

SUBMISSION BY THE LCBCS ON THE REQUEST TO MODIFY THE CONSENT TO APPROVAL FOR DEVELOPMENT AT 150 EPPING ROAD, LANE COVE.

We note that the proposed changes to this development are relatively minor, however we do have some concerns, which we address below by referring to particular documents lodged with this application.

Future Environmental Assessment Requirements

1 Building Design

We do not agree with the watering down of the requirements for building design quality. The original requirements set out in Building Design a) and c) should prevail. In particular, the requirements of SEPP 65 should be adhered to.

20 Section 94 contributions

We do not accept any need for offsetting the cost of bushland upgrade works, as Council is the best body to determine the most appropriate use of these contributions. The developer has had the benefit of the inclusion of the "handle" in the FSR calculations.

22 Sydney Water

We note that the initial application for the development, the Department's assessment and the determination by the Planning Assessment Commission did not include **any consideration of the capacity of existing wastewater mains**. The current document acknowledges "the possible upsize and/or relocation of existing waste water mains". This should include remediation under Council supervision of any affected bushland.

23 Public Access

This section only refers to public access through the undeveloped riparian bushland but not the developed site itself. The drawings do not show any public access through the development. This should be provided to link the access from the bushland in the "handle" to the bushland tracks to the West of this site. We believe that there has always been an easement for this purpose.

Graham Holland
For LCBCS

Attention: Planner

NSW Planning & Infrastructure
information@planning.nsw.gov.au.

Dr. Ray Kearney
24 Alder Avenue
Lane Cove West, 2066
Phone: (02) 94285336 (h)
ray.kearney@sydney.edu.au

14th August, 2013

Head Office

23-33 Bridge Street, Sydney NSW 2000
GPO Box 39, Sydney NSW 2001
Tel: 02 9228 6111
Fax: 02 9228 6455
Email: information@planning.nsw.gov.au

RE: Modification No. 1 to MP10_0148 Mixed use redevelopment of 150 Epping Road, Lane Cove West

The application by the proponents proposes to modify the approved development to include:

1. A new child-care centre for approximately 85 children.
2. Deletion of 800sqm of commercial floor space and replacement with a 650sqm child-care centre.

My submission is to again draw attention to the fact that this development-complex is approximately 250 metres from the *unfiltered* Western Stack of the Lane Cove Traffic Tunnel and measures MUST be adopted to protect children in the proposed child-care centre from the adverse health impacts of highly toxic and proven carcinogenic exhausts from the Western Stack coupled with similar pollutants from the busy Epping Road.

Summary comments:

(a) This submission will NOT repeat the details provided in the attached Submission of Objection which was lodged in August, 2011. Furthermore, the Planning Reviewer is reminded that a Federal Senate Committee is about to release its inquiry into '*The Health Effects of Air Pollution in Australia*'. See link:
http://www.aph.gov.au/parliamentary_business/committees/senate_committees?url=clac_ctte/air_quality/index.htm

Noteworthy are some 162 submissions (and transcripts from interviews) including those from the various government/medical/research organizations whose submissions (with reference numbers) are for example:

4. Doctors for the Environment Australia Inc. ([PDF 981KB](#))
27. Environment Victoria ([PDF 132KB](#))
29. Centre for Air quality and health Research and evaluation (CAR) ([PDF 435KB](#))
35. Residents Against Polluting Stacks Inc ([PDF 357KB](#))
48. CSIRO ([PDF 439KB](#))

- 50. Asthma Foundation NSW ([PDF 365KB](#))
- 53. International Laboratory for Air Quality and Health (ILAQH), Queensland University of Technology ([PDF 130KB](#))
- 80. NSW Environment Protection Authority ([PDF 2146KB](#))
Supplementary Submission([PDF 123KB](#))
- 86. Dr. Raymond Kearney ([PDF 1291KB](#))
- 114. Australian Medical Association ([PDF 254KB](#))
- 162. Standards Australia ([PDF 1411KB](#))

What is evident in these submissions is the current standards for air quality DO NOT relate to health impacts or to health risk. The report of the Senate Committee is about to be released and was due on the 12th August, 2013.

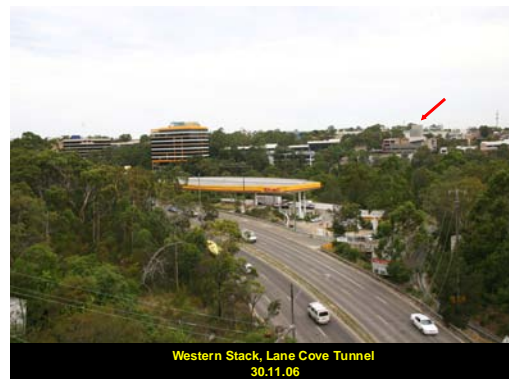
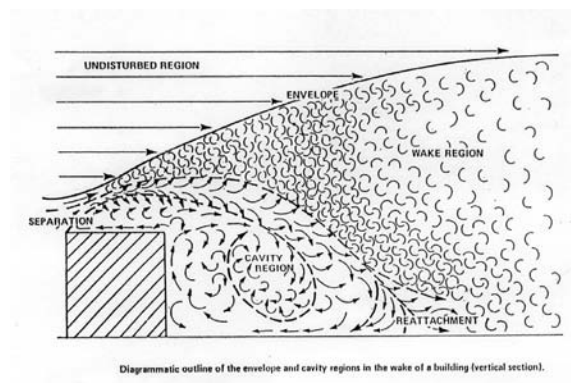
(b) Also noteworthy is that In June, 2012, the WHO declared **diesel fumes** to be a **Level-1 Human Carcinogen** i.e. proven evidence of carcinogenicity in human beings.
http://www.iarc.fr/en/mediacentre/pr/2012/pdfs/pr213_E.pdf

(c) You are reminded that NSW Planning by its '*Minister's Conditions of Approval*' gave authority for the annual discharge of pollution from both unfiltered stacks of the Lane Cove Tunnel being:

PM10 particles (excludes fine and ultrafine toxic particles)..... 14 TONNES

Highly toxic Volatile Organic Chemicals (VOC's) e.g., benzene..... 154 TONNES

(d) Effect of 'downwash' on plume from exhaust stack by buildings in the development complex.



For site proposal of child-care centre see p5 of following link:

https://majorprojects.affinitylive.com/public/86f07b6dc575998412e7c12fd9fac04b/20130529taa_r1_child%20care%20acoustic%20assessment.pdf

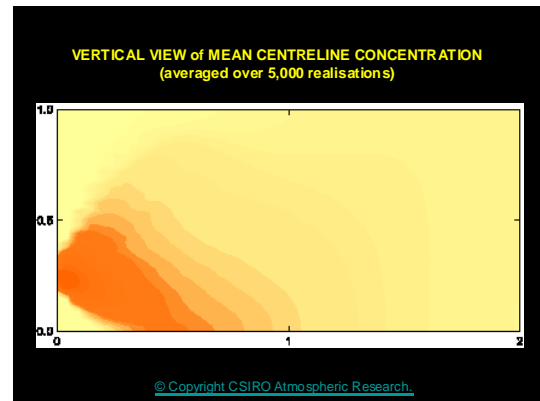
The concern is that adjacent buildings beside the child-care centre and near to the Western Stack will cause 'down-wash' of plume pollutants and expose vulnerable young children to the toxic effects of pollutants from both the stack and from the traffic on Epping Road. Also see live video of a plume trajectory at link:

<http://www.cmar.csiro.au/airquality/meander/index.html> Click on 'start'.

The RHS panel shows fallout of heavy particles in close proximity to a stack while light/fine particles remain in the air for days/weeks and travel 100's to 1000's of kms.

(e) Measures must be adopted in this modified development to include a child-care centre outdoors to eliminate such health risks, keeping in mind also that young children are more likely to place contaminated objects in their mouth. The ultimate solution is to install filtration in the stack.

(f) The relationship between air pollution, death and disease has been studied for decades, leading to the consistent conclusion that combustion of diesel and petrol is among the most toxic sources of emissions today (USA Clean Air Task Force Report, Feb. '05) viewed at the link: <http://www.catf.us/publications/view.php?id=83>



See also NH&MRC Report (2008) on Air Quality Around Tunnels – link: <http://www.nhmrc.gov.au/guidelines/publications/eh42>

These exhausts contain numerous dangerous compounds, ranging from respiratory irritants to carcinogens including a host of air toxics, particulate matter, carbon monoxide and nitrogen oxides.

The very fine particles adsorb toxic gases and liquids onto their surfaces. On a weight basis, a billion ultra-fine particles are about equivalent to one coarse particle 10 micrometres in diameter (PM10), but have 1000 times the surface area. The fine particles are mainly soluble and penetrate deep into the lungs. Health research indicates that the invisible exhaust may be the most dangerous of all. Technology exists right now to clean up emissions from these engines and to remove such toxics from road tunnels *by filtration*.

Children are more susceptible than adults (except the elderly) to the adverse effects of air pollution because:

- Children are more active and breathe more rapidly.
- They have more lung surface area compared to their body weight and inhale more air kgm-for-kgm than adults.
- They have higher lung volume to body size, higher respiration rates and spend more active time in the polluted outdoor environment.
- When exposed to fine particles, children have slowed lung function growth, increased emergency room visits, increased incidence of asthma, bronchitis and crib death (CATF Report, Feb. '05).

Conclusion:

In the knowledge that toxic/carcinogenic pollutants are discharged into the atmosphere from the adjacent western unfiltered stack of the Lane Cove Tunnel, the presence of buildings in the subject proposal will cause 'downwash' of such pollution plumes (dependent on weather conditions). Measures **MUST** be adopted to protect children, for whom up to 85 places are planned in the proposed child-care centre, against additive exposure to such toxic pollution.

NOTE: This matter has been reported by me to Professor Wayne Smith, Director of Environmental Health, NSW Department of Health. Professor Smith who is a member of the NSW Health's Expert Committee on Air Pollution was also interviewed by the Senate Committee of Inquiry on Health Impacts of Air Pollution. The transcript is available at link:

http://www.aph.gov.au/parliamentary_business/committees/senate_committees?url=clac_ctte/air_quality/index.htm

S.C. JOHNSON & SON
PTY. LTD.
A.B.N. 71 000 021 009

Stringybark Creek
160 Epping Road
LANE COVE NSW 2066

Postal Address:
Private Bag 22
POST OFFICE
LANE COVE NSW 2066
Australia

12 August 2013

NSW Planning & Infrastructure
Attention Jane Flanagan

RE: Modification No. 1 to MP10_0148 Mixed use redevelopment of 150 Epping Road, Lane Cove West (the "Modification")

Dear Jane,

On behalf of SC Johnson, the owner of 160 Epping Road, Lane Cove West, I would like to submit the following objections to the Modification.

Our primary objection and concern relates to the proposed modifications to access and egress, specifically the deletion of the slip lane and the provision of access and egress to and from the proposed development at 150 Epping Road, Lane Cove West. We have concerns regarding the private access road, accessing our 160 and 166 Epping road, marked as secondary exit on the Western side of the development. Upon the original sale of 150 Epping Road from SC Johnson to Rose Corp, a covenant was placed over the site precluding any residential development of 150 Epping Road. The private road in question was then constructed as part of this sale, ensuring SC Johnson would remain unaffected by the traffic generated by the operation of the Service Station. A tunnel exit and acceleration lane from the Shell Service station was constructed through SC Johnson property to ensure traffic exited direct to Epping Road and not using the private road access. We believe the plans in the latest consideration leave open the possibility that the developers will use and congest our private road in construction. We also believe that post occupation of the residential towers, the residents will now use this as an entry and exit from the car parks. The amount of traffic and congestion causes SC Johnson concern to the safety and wellbeing of our employees, as well as the potential damage to our corporate image, given this is the main entry and exit for the site for business purposes

Secondary, SC Johnson objects to the lifting of the covenant precluding any residential development on 150 Epping Road. Residential occupancy of this scale bordering our property causes us concern over the safety and environmental protection of our reserve. SC Johnson's property at 160 Epping Road is a large private facility, with open grounds, river frontage and outdoor facilities for the private use SC Johnson Employees. The new residential buildings proposed are built right to natural cliff face bordering the two properties. It is our considered opinion that our premises will be subjected to unauthorised access by residents of the towers, posing a safety and environmental risk to SC Johnson's employees and premises, and the residents of the proposed residential towers.

Additionally, SC Johnson believes lifting the covenant will threaten the environmental protection of our reserve. When in operation, the Shell Service station contaminated our premise with fuel discharge. Upon it's decommissioning, SCJ has had cause to report to authorities twice the contamination of our site with silt runoff from 150 Epping Rd. Ground water drainage is by means of antiquated old brick open drains in service when the site was owned and operated by CSR from the 1930's to the 1970's. These are directly deposited into Stringybark Creek within SC Johnson property

Regards



Ian Martin
Director – Supply and Logistics

From: Simon Fleming <scfgoose@bigpond.net.au>
To: <jane.flanagan@planning.nsw.gov.au>
Date: 7/13/2013 8:30 pm
Subject: 150 Epping Road Development

Dear Jane,

I have only just become aware of this development as a result of the leaflet delivered to my house dated 10th July. I was aware that something would be done with the site of the Shell servo. It really surprises that this is the first I have heard as I live on the Lane Cove North Estate, quite close to the site.

I Have reviewed a fraction of the copious documentation and have a couple of queries.

1) The things the traffic study says all seem pretty reasonable. However there seems to be one important aspect that is omitted (or maybe I have missed). Presumably only a small fraction of the residents will avail themselves of the fairly adequate bus services on Epping Road, and the majority will wish to commute by car. This will be fine if they work further out on the Epping Road, but those that wish to head towards the city for work would seem to be faced with a problem. Has any thought been given to how they will achieve this? In peak hour it is unlikely to possible, and certainly not safe, to attempt to get from the site into the right hand lane. If they succeed in this, are they expected to perform a U-turn at the Epping / Mowbray traffic lights? (Is this even legal?) Or would they need to turn into Mowbray Road and then use either the athletics ground or Lane Cove North Estate to turn around to get back onto Epping Road heading into the city. At one car every fifteen second, if only half of them want to head into the city, that's unlikely to workable! what am I missing?

2) I haven't seen anything about the status of the Yangoora Bushland Trail that runs from the service road behind the site, beside Lane Cove Lake and up to Sam Johnston Way. Can you confirm that this will be preserved as a walking trail?

Thanks,

Simon Fleming
14 Goodlet Close
Lane Cove

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



STRINGY BARK C · R · E · E · K

RESIDENTS' ASSOCIATION INC

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LANE COVE 2066

23 August 2013

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Modification No. 1 to MP10_0148 Mixed use redevelopment of 150 Epping Road, Lane Cove West

The Stringybark Creek Resident's Association Inc. (SBCRA) encompasses that triangle from Epping Road (North side), Mowbray Road West (South side) and Centennial Avenue North (West side). It has membership of 122 persons (71 households).

In our submissions to the DoPI in relation to the new LEP, we supported the retention of this site as industrial as we felt it would keep the integrity of the industrial area, but most importantly, it would have assisted in increasing employment numbers, particularly in relation to the increased development in Lane Cove.

We opposed the rezoning of this land to R4 for the above reason and, because it would mean a high density residential area with egress left out only and will be isolated from main residential area of Lane Cove and the Lane Cove shopping centre.

The previous owner lodged a Part 3A application and despite both Lane Cove and Willoughby Council's opposition to the proposal and concerns raised by many, was subsequently approved with conditions which included the Voluntary Planning Agreements emanating from the incentives offered by the previous owner.

Given the approval over-rode Council's LEP and DCP, the inclusion of the E2 Bushland handle in the total site area which provided an increase in site area for FSR calculation, thus providing benefits to the owner of the land far in excess of what would normally be allowed, we have concerns that the new owners, Meriton Property Services Pty Limited, wish to gain even more benefit by deletion of the some of these VPA's and Conditions.

We understand that the status of the Planning Agreements is very important. A binding agreement that the State has made over the land, which overrides Council's LEP and DCP, Controls that council must adhere to, as well as the Developer.

We make the following comments in response to the applicant's requests which are highlighted in red:

1. Construction of approximately 403 residential apartments in lieu of 400, with an increase in residential floor space from 31,615 to 35,203sqm

We do not support that change for the following reason.

There should be no increase in the gross floor area and the FSR of 1.1:1 must be retained.

In addition, we find it surprising that the applicant wishes to reduce the basement car parking while requesting an increase in apartments.

2. A basement car park for approximately 596 spaces in lieu of 645 spaces

We contend that this request should be refused for the following reasons:

- Our experience is that any high density development makes extra demand for on-street parking, not only by residents living therein, but by visitors. 400 units translating to at least 600 residents would mean times where the parking overflow cannot be met.
- The isolation of the site from surrounding streets means there will be no on street parking available for the extra parking demand of such a large development.
- The request for more home units should mean an increase in basement car parking, not a reduction

3. 4% “affordable housing” apartments, in lieu of 10%

We attended Lane Cove Council’s Information Evening and understand that the 10% figure was to be for ten years and that Council is willing to downgrade that figure to 4%, provided the houses are handed over to Council in perpetuity.

Under those circumstances we support that change.

4. 258sqm of retail floor space, in lieu of 769sqm;

The inclusion of the Convenience Store as described at the Information Evening may not suffice an isolated site consisting of more than 600 residents. We believe a small supermarket will be important considering the isolated position of this site.

The retail space could also include a small coffee shop, either incorporated with the supermarket, or separate, where people can meet and chat and encourage a social gathering place.

We do state, however, that 258 sq m of retail is the minimum size.

However, it would have been helpful if the applicant had indicated what is intended to replace the retail space.

5. Deletion of the requirement for an overhead Pedestrian Bridge over Epping Road

Pedestrian safety is of paramount concern and a safe crossing must be provided at the cost of the developer in accordance with the VPA.

The need for a pedestrian crossing has been caused by the approval of an R4 High Density Residential area in this isolated site with no means of crossing Epping Road to and from bus stops.

With approximately 400 units, representing more than 600 residents, plus all those visiting the development and the potential establishment of an 85 children Childcare Centre, makes it incumbent on the applicant to provide the safe crossing, either a pedestrian bridge or traffic lights.

Concern was raised about the original location of the pedestrian bridge shown in the Concept Plan as being unsuitable for a variety of reasons. However, there is an existing ramp at the end of Cumberland Street with a pedestrian ramp down to the Cumberland bus stop on the northern side of Epping Road, so this could be a good location to investigate.

However we are concerned about impacts on bushland particularly on the southern side of Epping Road, which is E2 bushland, due to construction of ramps and stanchions to support the bridge.

The SBCRA has been doing voluntary bush regeneration in two sites, in Batten Reserve and in the Moore Street bushland below the southern side of Epping Road, between Moore Street and Sam Johnston Way, so our concern for the preservation of bushland is one where we have put effort in since June 1994.

Therefore, our preference would be traffic lights for the following additional reasons, and we believe the Department must support Council in achieving this option.

1. It is the least intrusive option, is best for disabled persons, and will have no impact on the E2 bushland on either side of Epping Road.
2. It will ensure that residents rushing to catch a bus will not try to cross this busy road, as we often see at Johnston Crescent/Moore Street where there is a pedestrian overpass.
3. Pedestrian only traffic lights similar to those existing further along Epping Road at Cox's Lane, a short distance from the corner of Epping and Longueville Road traffic lights. At that point, the distance between traffic lights is no different to the distance between traffic lights which we are suggesting and my observation is that these particular traffic lights do not hold up the traffic for very long.
4. Such traffic lights would be "on demand" and phased to change in line with the traffic lights at Mowbray Road and Sam Johnston Way so traffic will not be unduly delayed on Epping Road

We re-iterate that pedestrian safety is of paramount importance and we contend the solution should be traffic lights with a pedestrian bridge as a second choice.

The Department of Planning, who recommended the approval of the original application, (see Director General's Report Environmental & Assessment Report, Section 751 of the Environment & Assessment Act 1979, dated May 2012 – Executive Summary¹), should do everything in its power to assist in achieving traffic lights.

Given this was a condition of PAC Approval, and an incentive offered by the previous owner of the land, it is incumbent on the applicant to pay the cost for either the pedestrian overhead bridge or traffic lights.

¹ <https://majorprojects.affinitylive.com/public/170b801fc5f186ae48a02bc697a8d882/Director-General%20assessment%20report%20to%20PAC.pdf>

6. Deletion of 800sqm of commercial floor space and replacement with a 650sqm childcare centre

We understand there is a shortage of Child Care Centres in this area, and such a facility would be welcomed by young families living in the development and by those working or living nearby.

However we would request that Conditions be put in place to ensure that the following is addressed,

Sunlight/Natural Light/Overshadowing

- We were shown on the Concept Plan that the child centre is located 5 metres below Epping Road, which has the potential of overshadowing the child care facility
- It must ensure that, the open space play area receives sufficient sunlight.

Air Pollution

At the Information Evening Dr Ray Kearney, has once again raised concerns that adjacent buildings beside the child-care centre and near to the Western Stack will cause 'down-wash' of plume pollutants and expose vulnerable young children to the toxic effects of pollutants from both the stack and from the traffic on Epping Road.

We request that Conditions be put in place to mitigate the pollution from traffic and the Tunnel Stack..

Accessing the facility

We assume that the size of the child facility means that the child care centre would be for the general public and not dedicated to the future residents of the development.

The only way into the site from the West is via the turning lane on Epping Road into the site.

Such a large facility will no doubt attract many to use the Child Care Facility. The turn from Epping Road can be dangerous at various times during the day especially when transporting children into the development.

This is another reason that a pedestrian traffic light situated where the present bus stop on the southern side of Epping Road to cross Epping Road would be a great benefit.

If the lights were phased with those at Mowbray Road and Sam Johnson Way, this could work very well and assist residents to cross the road to the bus while facilitating a safe right hand turn into the site.

A similar pedestrian traffic light is situated at Cox's Lane which is only a short distance from the traffic lights at Epping Road/Parklands/Longueville Road.

Please see attached photograph of suggested traffic light position.

7. Provision of 816sqm of communal floor space, in lieu of 1,850sqm;

We believe the communal floor space should not be decreased to that extent.

This is such a large isolated site, and a larger communal floor space could include wider communal activities, for example, for seniors and for younger people and would provide further opportunity for social amenity.

8. Deletion of the requirement to provide a Community Bus as a Sustainability measure

The Community bus must not be deleted.

The increases in new high density development taking place in Lane Cove will put greater than ever parking stress in the shopping centre.

A community bus service would reduce the need for residents to use their cars.

We support the recommendation in Lane Cove Council's Ordinary Council Meeting 19 August 2013 Agenda Report which states:

"Council submits that the capital cost for a community bus should at least be provided, with an ongoing scheme for its operation/ maintenance to be potentially set up by Council.

This would be a reasonable balance between the demand created by the new development and the potential use by other residents including the Mowbray precinct.

This takes into account the pressure of growth on the Village, and recognises also the community comments that school children from the new development would require school transport, in particular since the site is in the catchment for Ryde, not Lane Cove, schools."

9. Deletion of the requirement for a traffic analysis of the cumulative impact of the proposed development on the intersection at Mowbray Road/Centennial Avenue, and the requirement to make a proportionate monetary contribution to fund the upgrade of the intersection

In our presentation at the PAC meeting last year, we raised concerns about the cumulative impact of the planning proposal on the traffic generation it will create in Mowbray Road, where we stated that the Strategic Review for the Mowbray Precinct had indicated up to a possible 2048 extra dwellings.

Because there would be a left-hand turn out only from 150 Epping Road, Mowbray Road would be the most likely alternative route for these residents of 150 Epping Road to get to Lane Cove.

Both Lane Cove Council and Willoughby Council in their written submission to the PAC highlighted this concern also.

This requirement is a condition of the approval because it was recognized that this was essential and must not be deleted!

10. Deletion of the Planning Agreement (VPA) with Lane Cove Council, in the terms outlined in a letter to Council dated 9th March 2011 and replacement with a condition that any public benefit be offset against s94 Developer contributions

It was agreed to when offered as an incentive by the previous owner therefore it should not be deleted.

In addition, we support Lane Cove Council's reasons as stated in their submission to this Application.

11. Deletion of the requirement to dedicate the E2 Zoned Handle of the site (1.35ha) free of cost as outlined in the draft VPA

We believe this E2 Bushland Zone “Handle” should be dedicated to Lane Cove Council in perpetuity free of cost

The applicant has already received a significant benefit because he was able to use this land to gain a significant increase in FSR.

12. Provide that if Council prefers not to own the E2 Zoned Handle of the site, a covenant shall be placed on title to allow public access, although infrastructure works to be used by the public and ongoing costs will be sought to be offset against Section 94 obligations

The development conditions should include funding for upgrading the track and provision for bush regeneration to a good standard in the area of the handle.

This cost should be seen as benefiting the applicant as it would provide an impressive amenity for prospective buyers of the units and should NOT be offset against S94 contribution.

13. In Conclusion

1. Meriton has bought the site with the benefits derived from the original approval which included
 - over-riding Council’s LEP and DCP
 - the E2 Bushland handle in the total site area provided an increase in the FSR calculation,thus providing benefits far in excess of what would normally be allowed
2. In addition, the original approval was given because the previous owner provided incentives which were incorporated into Voluntary Planning Agreements, so they should be adhered to.
3. There should not be any offsets of any nature against the S94 contributions. Resulting from this development there will be massive shortfalls in the local infrastructure which and obviously the developer is assuming that ‘others’ will pick up the shortfall so Meriton will benefit.

Yours sincerely



Frances Vissel
President
Stringybark Creek Residents’ Association Inc

Attachment: Photograph of suggested for pedestrian traffic lights